

ELEVENTH DAY.

(Friday, September 25, 1931.)

The House met at 9 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Minor.

The roll was called and the following members were present:

Mr. Speaker.	Herzik.
Adams of Harris.	Hill.
Adams of Jasper.	Hines.
Adkins.	Holder.
Akin.	Holland.
Alsup.	Holloway.
Anderson.	Hoskins.
Baker.	Howsley.
Barron.	Hubbard.
Beck.	Hughes.
Bond.	Jackson.
Bounds.	Johnson
Boyd.	of Dallam.
Brice.	Johnson
Brooks.	of Dimmit.
Bryant.	Johnson of Morris.
Burns of Walker.	Jones of Shelby.
Burns	Jones of Atascosa.
of McCulloch.	Justiss.
Carpenter.	Keller.
Caven.	Kennedy.
Coltrin.	Laird.
Coombes.	Lasseter.
Cox of Lamar.	Lee.
Cox of Limestone.	Lemens.
Cunningham.	Leonard.
Dale.	Lilley.
Davis.	Lockhart.
DeWolfe.	Long.
Dodd.	McCombs.
Donnell.	McGill.
Dowell.	McGregor.
Dunlap.	Magee.
Duvall.	Mehl.
Dwyer.	Metcalfe.
Elliott.	Moffett.
Engelhard.	Moore.
Farmer.	Morse.
Farrar.	Munson.
Finn.	Murphy.
Fisher.	Nicholson.
Forbes.	Olsen.
Ford.	O'Quinn.
Fuchs.	Petsch.
Gilbert.	Pope.
Giles.	Ramsey.
Goodman.	Ratliff.
Graves.	Ray.
Greathouse.	Reader.
Grogan.	Richardson.
Hanson.	Rogers.
Hardy.	Rountree.
Harman.	Sanders.
Harrison	Satterwhite.
of Waller.	Savage.
Hatchitt.	Scott.
Hefley.	Shelton.

Sherrill.	Towery.
Smith of Bastrop.	Vaughan.
Smith of Wood.	Veatch.
Sparkman.	Wagstaff.
Stephens.	Walker.
Stevenson.	Warwick.
Steward.	Weinert.
Strong.	West of Coryell.
Sullivant.	West of Cameron.
Tarwater.	Wiggs.
Terrell	Wyatt.
of Cherokee.	Young.
Terrell of Val Verde.	

Absent.

McDougald.	Westbrook.
Martin.	

Absent—Excused.

Adamson.	Harrison
Albritton.	of El Paso.
Bedford.	Kayton.
Bradley.	Mathis.
Claunch.	Patterson.
Daniel.	Turner.
Ferguson.	Van Zandt.

A quorum was announced present.

Prayer was offered by the Rev. John W. Holt, Chaplain.

LEAVES OF ABSENCE GRANTED.

The following members were granted leaves of absence on account of important business:

Mr. Ferguson for today, on motion of Mr. Coombes.

Mr. Turner for today, on motion of Mr. Hefley.

Mr. Bedford for today and the balance of the week, on motion of Mrs. Moore.

Mr. Scott for today, on motion of Mr. West of Coryell.

Mr. Van Zandt for today, on motion of Mr. Carpenter.

Mr. Patterson for today, on motion of Mr. Morse.

Mr. Mathis for today, on motion of Mr. Adams of Harris.

Mr. Albritton for today and the balance of session, on motion of Mr. Minor.

Mr. Adamson for today and tomorrow, on motion of Mr. Sullivant, on account of death in his family.

HOUSE BILLS ON FIRST READING.

The following House bills, introduced today, were laid before the

House, read severally first time, and referred to the appropriate committees, as follows:

By Mr. Cox of Limestone, Mr. Justiss, Mr. Wagstaff, Mr. Jones of Shelby, Mr. Petsch, and Mr. Holland:

H. B. No. 88, A bill to be entitled "An Act to provide for the organization of purely co-operative petroleum marketing associations, defining their rights, duties, and policies, and prescribing who may organize such marketing associations, prescribing the powers that may be exercised by such marketing associations under this act; prescribing who may become members of such marketing associations; prescribing what shall be contained in the articles of incorporation; providing for amendments to the articles of incorporation; providing for by-laws and the powers under such by-laws; providing for the meetings of members of any association organized under this act, and prescribing the way and manner in which officers and directors of such corporations may be elected; prescribing for membership certificates and their issuance, and also the liability of members under the articles of incorporation, and limiting the transferring of membership certificates. Providing for the removal of officers and directors of any co-operative marketing association organized under this act; providing for a referendum to the stockholders and entire membership of any organization of any question that may be referred to such stockholders or members; providing for marketing contracts of co-operative marketing associations; providing powers, giving the right of purchasing business of other associations, persons, firms, and corporations in dealing with an organization incorporated under the terms and provisions of this act, etc., and declaring an emergency."

Referred to Committee on Municipal and Private Corporations.

By Mr. Leonard:

H. B. No. 89, A bill to be entitled "An Act to exclude from the Donna Irrigation District, Hidalgo county No. 1, all of that land now lying within the corporate limits of the city of Donna; providing that the lands so excluded shall continue to bear a tax which will provide an interest and sinking fund sufficient to retire that pro rata part of the indebted-

ness which the lands hereby excluded bear to the entire indebtedness of the Donna Irrigation District, Hidalgo County No. 1, at the time of the exclusion of said lands from said district, etc., and declaring an emergency."

Referred to Committee on Conservation and Reclamation.

By Mr. Burns of McCulloch:

H. B. No. 90, A bill to be entitled "An Act to amend Article 2818, Revised Statutes of 1925, by providing for the distribution and use of the county available school funds in county line districts derived from the separate counties of which such districts are a part; repealing all laws in conflict herewith, and declaring an emergency."

Referred to Committee on Education.

By Mr. DeWolfe and Mr. Graves:

H. B. No. 91, A bill to be entitled "An Act amending Article 1025, of Chapter 2, Title 15, Code of Criminal Procedure, fixing the fees paid by the State of district attorneys, criminal district attorneys, or county attorneys for representing the State in the district court in felony cases and in habeas corpus cases where the defendant is charged with a felony; repealing Article 1024, of Chapter 2, Title 15, Code of Criminal Procedure, and declaring an emergency."

By Mr. DeWolfe and Mr. Graves:

H. B. No. 92, A bill to be entitled "An Act amending Chapter 212, Section 18, Acts of the Regular Session, Fortieth Legislature, 1927, and declaring an emergency."

Referred to Committee of the Whole House.

By Mr. Savage:

H. B. No. 93, A bill to be entitled "An Act amending Article 1020, of Chapter 2, Title 15, Code of Criminal Procedure, fixing the amount of fees to be paid by the State to county judges, justices of the peace, constables, sheriffs, district attorneys, criminal district attorneys, and county attorneys, in examining courts; prescribing the conditions upon which said fees shall be paid, and declaring an emergency."

Referred to Committee of the Whole House.

RELATIVE TO THE CONSIDERATION OF RESOLUTIONS.

On motion of Mr. Barron, the resolution period was dispensed with at this time.

MESSAGES FROM THE GOVERNOR.

A messenger from the Governor's office appeared at the bar of the House, and being duly announced, presented the following messages from the Governor, which were read to the House, as follows:

Executive Office,
September 24, 1931.

To the Members of the Forty-second Legislature:

I hereby submit to you for consideration the following subjects:

1. Amendment to Chapter 212, Section 18, Acts of the Regular Session of the Fortieth Legislature.

2. Amendment of Article 1025 of Chapter 2, Title 15, Code of Criminal Procedure of the State of Texas.

3. Amendment of Article 1020, Chapter 2, Title 15, Code of Criminal Procedure of the State of Texas.

Respectfully submitted,

R. S. STERLING,
Governor.

H. B. —

By —

A BILL

To Be Entitled

An Act amending Chapter 212, Section 18, Acts of the Regular Session, Fortieth Legislature, 1927, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. Chapter 212, Section 18, Acts of the Regular Session, Fortieth Legislature, 1927, is hereby amended so as to hereafter read as follows:

a. On the taking effect of this act the office of "permanent auditor for the Prison System" is abolished and the audit and examination of said Prison System shall be placed under the direction and supervision of the State Auditor and Efficiency Expert, to be made in compliance with the existing laws governing the examination and audit of all State departments and State institutions by said State Auditor and Efficiency Expert.

b. The State Auditor and Efficiency Expert is hereby authorized and directed to, at all times, keep one of the assistants in his office assigned to the auditing of the Prison System for the purpose of making such examination and audit as is required by subsection "a" of this act.

c. All appropriations now available for the payment of salaries and expenses of the "permanent auditor of the Prison System" are hereby made available for the payment of the salaries and expenses of such assistant auditor assigned to the audit of the Prison System by the State Auditor and Efficiency Expert.

d. The general manager of the Prison System is hereby authorized and directed to make available a suitable space in the Prison Office at Huntsville for said assistant auditor.

Sec. 2. That all laws and parts of laws which conflict with this act be and the same are hereby repealed.

Sec. 3. The fact that the position of "permanent auditor of the Prison System" was created before the position of State Auditor and Efficiency Expert and due to the fact that all auditing of State departments and institutions should be immediately centralized under the direction of the State Auditor and Efficiency Expert creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended and the said rule is suspended and this act shall take effect and be in force from and after its passage, and it is so enacted.

H. B. No. —

By —

A BILL

To Be Entitled

"An Act amending Article 1025, of Chapter 2, Title 15, Code of Criminal Procedure, fixing the fees paid by the State or district attorneys, criminal district attorneys or county attorneys for representing the State in the district court in felony cases and in habeas corpus cases where the defendant is charged with a felony; repealing Article 1024, of Chapter 2, Title 15, Code of Criminal Procedure, and declaring an emergency."

Be it enacted by the Legislature of the State of Texas.

Section 1. That Article 1025, of Chapter 2, Title 15, Code of Criminal Procedure, be and the same is hereby amended so as to hereafter read as follows:

"Article 1025. Each county, including Dallas and Harris counties, where there has been cast at the preceding presidential election 3000 votes or over, the district attorney, criminal district attorney, or county attorney, shall receive the following fees:

"For all convictions of felony when the defendant does not appeal, or dies or escapes after appeal and before final judgment of the appellate court, or when the judgment is affirmed on appeal, twenty-four dollars for each felony, other than felonious homicide, and forty dollars for each such homicide.

"For representing the State in each case of habeas corpus where the applicant is charged with a capital offense, sixteen dollars.

"In each county where less than 3000 such votes have been so cast, such attorney shall receive thirty dollars for each such conviction of felony, other than homicide, and fifty dollars for each such conviction of felonious homicide, and twenty dollars for each such habeas corpus case."

Sec. 2. That Article 1024, of Chapter 2, Title 15, Code of Criminal Procedure, to be and the same is hereby repealed.

Sec. 3. The fact that the custom has grown up in some counties of this State for habeas corpus proceedings to be instituted in nearly every case of felony filed in an examining trial, as well as after indictment, and such proceedings are instituted regardless of the reasonableness of the amount of bond fixed by the magistrate or judge, thereby frequently resulting in two habeas corpus proceedings being instituted by the same applicant, one before indictment and another after indictment; and the further fact that often in such instances there are several cases pending against the same defendant and applications for writs of habeas corpus are filed in each case and fees collected from the State of Texas in each case, when all the facts may be developed, and, as a matter of fact, are developed, in one hearing, thereby causing the State to pay out

enormous sums of money to district attorneys, criminal district attorneys or county attorneys in some counties without said officers rendering any beneficial service therefor, and when there is no actual necessity for the applications in many of such instances; and the further fact that in two of the largest counties in the State, Dallas and Harris counties, by Article 1024, Code of Criminal Procedure, the fees allowed for felonies, other than felonious homicide, and for representing the State in habeas corpus proceedings, are twenty-five per cent higher than in other counties of the State casting 3000 votes or over at the preceding presidential election when there is no basis for such higher fees to be paid to the criminal district attorneys of said counties, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and said rule is hereby suspended, and this act shall take effect and be in force from and after passage, and it is so enacted.

H. B. No. —

By —

A BILL

To Be Entitled

"An Act amending Article 1020 of Chapter 2, Title 15, Code of Criminal Procedure, fixing the amount of fees to be paid by the State to county judges, justices of the peace, constables, sheriffs, district attorneys, criminal district attorneys, and county attorneys, in examining courts; prescribing the conditions upon which said fees shall be paid and declaring an emergency."

Be it enacted by the Legislature of the State of Texas:

Section 1. That Article 1020 of Chapter 2, Title 15, Code of Criminal Procedure, be and the same is hereby amended so as to hereafter read as follows:

"Article 1020. County judges, justices of the peace, constables, sheriffs, district attorneys, criminal district attorneys and county attorneys, shall be paid by the State for services performed in examining courts in each felony case the following fees:

"1. County judges and justices of the peace shall be entitled to the same fees allowed by law for similar services in misdemeanor cases to justices of the peace, and ten cents for each

one hundred words for writing down testimony, not to exceed three dollars.

"2. Constables and sheriffs for serving process and for attending said examining court and for all other services performed in connection with the trial, such fees as are fixed by law for similar services in misdemeanor cases, not to exceed four dollars. Provided, where the constable or sheriff arrests the defendant in a county, other than the county in which the offense is alleged to have been committed, or when required to go to some county, other than the county in which the offense is alleged to have been committed and return the defendant, he shall be entitled to the same mileage for going to the place of arrest and for removing the prisoner as is provided by law for the same service after indictment; provided, the defendant is subsequently indicted for the same offense with which he was charged in the examining court.

"3. District attorneys, criminal district attorneys and county attorneys for attending the court and representing the State of Texas, the sum of five dollars, but no fee shall be paid to any such officer unless the testimony of one or more material witnesses to the transaction shall be reduced to writing, subscribed and sworn to by said witness upon the trial, and said written testimony shall be presented to the district judge when the account for service herein performed is presented to him for approval. If said written testimony is not so presented, or if presented and the judge does not find the same to be material, he shall not approve said account.

"4. The fees mentioned in this article shall become due and payable only after the indictment of the defendant for the same offense for which he was charged in the examining court and upon an itemized account sworn to by the officer claiming such fees and approved by the judge of the district court.

"5. (a) Only one fee shall be allowed to any officer for an examining trial, though more than one defendant is joined in the complaint.

"(b) When defendants are proceeded against separately who could have been proceeded against jointly, but one fee shall be allowed in all cases that could have been so joined. It shall be the duty of the district judge

to carefully examine each account and ascertain whether this provision has been complied with before approving said account. This subdivision (b) is intended to and does apply to all the officers mentioned in Sections 1, 2 and 3 hereof.

"(c) The account of the officer and the approval of the district judge must show that the provisions of this subdivision (5) are fully complied with."

Sec. 2. The fact that the Court of Civil Appeals at Texarkana in the case of McDaniel vs. State, 9 S. W. (2nd) 478 (writ of error refused by the Supreme Court), has held the law to be that under no circumstances may a sheriff collect more than four dollars for services rendered in a felony case pending before a magistrate sitting as an examining court; and the further fact that sheriffs in the faithful discharge of their official duty must frequently travel long distances after prisoners who are charged with heinous offenses in examining courts and of necessity must do so at great expense and financial loss to themselves because of the fact that under the present law the sum of four dollars is all the fee they may recover for such services from the State; and the further fact that in many counties of this State there are only two terms of court each year which makes it impractical, if not impossible, for prisoners charged with a felony before an examining court to be held by the arresting officer of counties other than the county in which the offense was committed, to hold said prisoners until the grand jury of the county in which the offense was committed convenes and indicts said prisoner, works a great injustice and an undue hardship upon both constables and sheriffs of this State, thereby creating an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days shall be suspended, and said rule is hereby suspended, and this act shall take effect and be in force from and after its passage, and it is so enacted.

Executive Office,
Austin, Texas, September 24, 1931.

To the Members of the Forty-second Legislature:

I herewith hand you a bill by Senators Hornsby, Neal and Small covering the matter of appropriations to

pay salaries and expenses of district judges in Judicial Districts Nos. 123, 124, 126, and the assistant district attorney of the Forty-seventh Judicial District.

There is no appropriation now provided by law for these positions and I submit same to you for your early attention.

Respectfully submitted,
R. S. STERLING,
Governor.

H. B. No. — By Senators Hornsby,
Neal and Small.

A BILL
To Be Entitled

"An Act making appropriations to pay salaries and expenses of district judges in Judicial Districts Nos. One Hundred and Twenty-three (123), One Hundred and Twenty-four (124), and One Hundred and Twenty-six (126), and to pay the salaries of assistant district attorney in the Forty-seventh (47th) Judicial District for the two-year period beginning September 1, 1931, and ending August 31, 1933, and to pay blanket warrants issued

by the State Comptroller to district judges, district attorneys and court reporters for services rendered after the acts creating their respective offices became effective, and declaring an emergency."

Be it enacted by the Legislature of the State of Texas:

Section 1. That the following sums of money or so much thereof as may be necessary, be, and the same are hereby, appropriated out of any money in the State Treasury not otherwise appropriated, to pay the salaries and expenses of district judges in the One Hundred and Twenty-third (123rd), One Hundred and Twenty-fourth (124th), and One Hundred and Twenty-sixth (126th) Judicial Districts of Texas; and to pay the salaries of assistant district attorney in the Forty-seventh (47th) Judicial District of Texas for the fiscal years beginning September 1, 1931, and ending August 31, 1933; and to pay blanket warrants issued by the State Comptroller to district judges, district attorneys and court reporters for services performed after the Acts creating their respective offices became effective.

For the Fiscal Years Ending
Aug. 31, 1931 Aug. 31, 1933

To pay salaries of three district judges in Judicial Districts Nos. One Hundred Twenty-three (123), One Hundred Twenty-four (124), and One Hundred Twenty-six (126)	\$15,000.00	\$15,000.00
To pay salary of assistant district attorney in the Forty-seventh (47th) Judicial District.....	3,000.00	3,000.00
To pay expenses of district judges in Judicial Districts Nos. One Hundred Twenty-three (123), One Hundred Twenty-four (124), and One Hundred Twenty-six (126), as provided by Article No. 6820	1,500.00	1,500.00
To pay blanket warrants issued to district judges, attorneys, and court reporters for services rendered after the act creating their respective offices became effective.....	856.69	
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	\$20,356.69	\$19,500.00

Provided no payment herein provided for shall exceed the amount fixed by the statutes or the Constitution for such services.

Sec. 2. The fact that no appropriations have been made for carrying out the provisions of the acts creating such courts and officers, and the urgent necessity for providing for such funds, and the fact that this

special session of the Legislature may soon adjourn, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended and the same is hereby suspended, and that this act shall take effect and be in force from and after its passage, and it is so enacted.

Executive Office,
September 24, 1931.

To the Members of the Forty-second Legislature:

I hereby submit to you the subject of amending Section 22, Chapter 34, Acts of the First Called Session of the Forty-first Legislature.

Respectfully submitted,
R. S. STERLING,
Governor.

Executive Office,
Austin, Texas, September 23, 1931.

To the Members of the Forty-second Legislature:

It is my opinion that the proclamation convening the Second Called Session of the Legislature was broad enough to include legislation affecting the canalization of the Trinity River, for the reason that successful completion of the project would result in soil conservation through control of the flood waters of the Trinity River.

However, in order to dispel any doubt as to the legality of passing House bill No. 35, in view of the recent opinion of the Attorney General, your consideration of said bill is hereby approved.

Respectfully submitted,
R. S. STERLING,
Governor.

Executive Office,
Austin, Texas, September 25, 1931.

To the Members of the Forty-second Legislature:

I herewith submit to you the subject of co-operative marketing of unrefined natural petroleum and its distribution.

It has been suggested that if a law patterned after the law regulating co-operative marketing of cotton was passed it would greatly aid in the elimination of speculation and waste, and would possibly stabilize marketing problems of the producer of unrefined natural petroleum.

I trust that you will give this subject your careful consideration.

Respectfully submitted,
R. S. STERLING,
Governor.

H. B. No. — By —

A BILL

To Be Entitled

"An Act to provide for the organization of purely co-operative petroleum marketing associations, defining their rights, duties and policies, and prescribing who may organize such marketing associations, prescribing the powers that may be exercised by such marketing associations under this act; prescribing who may become members of such marketing associations; prescribing what shall be contained in the articles of incorporation; providing for amendments to the articles of incorporation; providing for by-laws and the powers under such by-laws; providing for the meetings of members of any association organized under this act, and prescribing the way and manner in which officers and directors of such corporations may be elected; prescribing for membership certificates and their issuance, and also the liability of members under the articles of incorporation, and limiting the transferring of membership certificates. Providing for the removal of officers and directors of any co-operative marketing association organized under this act; providing for a referendum to the stockholders and entire membership of any organization of any question that may be referred to such stockholders or members; providing for marketing contracts of co-operative marketing associations; providing powers, giving the right of purchasing business of other associations, persons, firms and corporations in dealing with an organization incorporated under the terms and provisions of this act; providing for annual reports; provided that all officers, employees and agents handling funds or property of corporations created under the provisions of the act, shall give bond, and prescribing the terms and conditions of such bond; providing for interest in other corporations or associations and providing contracts and agreements with other associations; providing that any association heretofore organized under the present existing statutes may by majority vote come under the provisions of this act; provid-

ing for penalties for the breach of a marketing contract of a co-operative marketing association, and for making false reports about the association and the management thereof; providing that associations organized under this act shall not be construed as in restraint of trade; and providing that if any section of this act is declared unconstitutional, the remainder of the act shall remain in full force and effect, and declaring an emergency."

Be it enacted by the Legislature of the State of Texas:

Section 1. Declaration of Policy.—In order to promote, foster, and encourage the intelligent and orderly marketing of unrefined natural petroleum through co-operation and to eliminate speculation and waste; and to make the distribution of unrefined natural petroleum as equitable as can be efficiently accomplished and to stabilize the marketing problems of the producers of unrefined natural petroleum, this law is passed.

Sec. 2. Definitions.—(a) The term "members" shall include actual members of associations organized without capital stock and holders of common stock in associations organized with capital stock; (b) the term "association" means any corporation organized under this act; (c) the term "person" shall include individuals, firms, partnerships, corporations and associations. Associations organized hereunder shall be deemed non-profit, inasmuch as they are organized not to make profit for themselves, as such, or for their members, as such, but only for their members as producers. This act shall be referred to as the "Co-operative Petroleum Marketing Act."

Sec. 3. Who May Organize.—Twenty-five or more persons engaged in the production of unrefined natural petroleum may form a non-profit co-operative association with or without capital stock under the provisions of this chapter; provided, however, that no corporation with a capital stock of more than two million dollars shall become a member of any association formed under the provisions of this chapter, and no producer of unrefined natural petroleum who owns any interest or stock in any pipe line or pipe line company operated for the

purpose of transporting petroleum or petroleum products shall become a member of such association; and further provided that no producer of unrefined natural petroleum who owns any interest or stock in any refinery or refining company engaged in the refining of unrefined natural petroleum shall become a member of any association organized under the provisions of this chapter; and further provided that no producer of unrefined natural petroleum who exercises any degree of ownership, management or control over any petroleum pipe line or any petroleum refinery shall be eligible to membership in any association organized under the provisions of this chapter.

Sec. 4. Purposes.—An association may be organized to engage in any activity in connection with the marketing or selling of unrefined natural petroleum produced by its members; or to gather and disseminate among its members available information as to the cost of production of unrefined natural petroleum, the actual price for which such product has sold in past transactions, as to stock on hand from time to time, as to cost of transportation from point of production to point of deliveries, as to and to find the readiest and most available market and market price of unrefined natural petroleum, and to procure such other data and information as may be of value in the operations of the members of the association, with the end in view of establishing more economical methods of marketing and operation. To act as agent, factor or broker on behalf of its members in dealing with other persons or corporations concerning the sale or disposition of the unrefined natural petroleum produced by its members; to procure, obtain or furnish facilities or contracts through which its members may market their unrefined natural petroleum, and to handle, sell and deal with the same upon the terms and conditions provided for in this chapter. To do and perform in accordance with the provisions of this chapter, whatever the association or corporation may deem necessary or proper to encourage the proper producing, handling and marketing of said products and to provide adequate supervision and inspection services so that the members and the public shall be properly served.

Sec. 5. Powers.—Each association incorporated under this chapter shall have the following powers:

(a) To engage in any activity in connection with the marketing, selling, storing or handling of any unrefined natural petroleum produced by its members, and in the financing of any activities. No association, however, shall handle the unrefined natural petroleum produced by any non-member.

(b) To borrow money and make advances to members.

(c) To act as the agent or representative of any member or members in any of the above-mentioned activities.

(d) To purchase or otherwise acquire, and to hold, own and exercise all rights of ownership in, and to sell, transfer or pledge shares of the capital stock or bonds of any corporation or association engaged in any related activity or in the handling or marketing of any of the products handled by the association.

(e) To establish reserves and to invest the funds thereof in bonds or other property as may be provided in the by-laws.

(f) To buy, hold, and exercise all privileges of ownership over such real or personal property as may be necessary or convenient for the conducting and operation of any of the business of the association or incidental thereto.

(g) To do each and everything necessary, suitable, or proper for the accomplishment of any one of the purposes or the attainment of any one or more of the objects herein enumerated; or conducive to or expedient for the interest or benefit of the association; and to contract accordingly; and in addition, to exercise and possess all powers, rights, and privileges granted by the laws of this State to ordinary corporations, except such as are inconsistent with the express provisions of this act; and to do any such thing anywhere.

Sec. 6. Members.—(a) Under the terms and condition prescribed in its by-laws, an association may admit as members, or issue common stock, only to persons engaged in the production of unrefined natural petroleum to be handled by or through the association, including the lessees of land used for the production of unrefined natural petroleum, provided such persons are bona fide producers of such product

within the State of Texas and have the same for sale, and lessors of such lands and royalty owners who may have the right to take their royalties in kind.

(b) If a member of a non-stock association be other than a natural person, such member may be represented by any individual, associate, officer, or member thereof, duly authorized in writing.

(c) An association organized hereunder may become a member or stockholder of any other association or associations organized hereunder.

Sec. 7. Articles of Incorporation.—Each association formed under this act must prepare and file articles of incorporation setting forth:

(a) The name of the association. (b) The purposes for which it is formed. (c) The place where its principal business will be transacted and its principal office located.

(d) The term for which it is to exist, not to exceed fifty years. (e) The number of directors thereof, which must not be less than five, and may be any number in excess thereof, and the term of office of such stockholders.

(f) If organized without capital stock, whether the property rights and interests of each member shall be equal or unequal, the articles shall set forth the general rule or rules applicable to all members by which the property rights and interests, respectively, of each member may and shall be determined and fixed; and the association shall have the power to admit new members who shall be entitled to share in the profits of the association with the old members, in accordance with such general rule or rules. This provision of the articles of incorporation shall not be altered, amended, or repealed except by the vote of three-fourths of the members.

(g) If organized with capital stock, the amount of such capital stock and the number of shares into which it is divided and the par value thereof. The capital stock may be divided into preferred and common stock. If so divided, the articles of incorporation must contain a statement of the number of shares of stock to which preference is granted and the number of shares of stock to which no preference is granted, and the nature and extent of the preference and privileges granted to each. The articles must be subscribed by the incorporators and acknowledged by one of

them before an officer authorized by the laws of this State to take and certify acknowledgments of deeds and conveyances, and shall be filed in accordance with the provisions of the general corporation laws of this State; and when so filed the said articles of incorporation, or certified copies thereof, shall be received in all courts of this State, and other places, as prima facie evidence of the facts contained therein, and of the due incorporation of such association.

Sec. 8. Amendments to Articles of Incorporation.—The articles of incorporation may be altered or amended at any regular meeting or at any special meeting called for that purpose. An amendment must first be approved by two-thirds of the stockholders and then adopted by a vote representing two-thirds of all the members of the association. Amendments to articles of incorporation when so adopted shall be filed in accordance with the provisions of the general corporation laws of this State.

Sec. 9. By-Laws.—Each association incorporated under this act must, within thirty days after its incorporation, adopt for its government and management, a code of by-laws, not inconsistent with the powers granted by this law. A majority vote of the members or stockholders, or their assent, is necessary to adopt such by-laws. Each association under its by-laws may also provide for any or all of the following matters: (a) The time, place, and manner of calling and conducting its meetings. (b) The number of stockholders or members constituting a quorum. (c) The right of members or stockholders to vote by proxy or by mail, or by both. (d) The voting power of members or stockholders, and the conditions, manner, or effects of such votes. (e) The number of directors constituting a quorum. (f) The qualifications, compensation, and duties and term of office of directors and officers; time of their election and the mode and manner of giving notice thereof. (g) Penalties for violation of the by-laws. (h) The amount of entrance, organization, and membership fees, if any; the manner and method of collection of same, and the purposes for which they may be used. (i) The amount which each member or stockholder shall be required to

pay annually or from time to time, if at all, to carry on the business of the association; the charge, if any, to be paid by each member or stockholder for services rendered by the association to him, and the time of payment and the manner of collection; and the marketing contract between the association and its members or stockholders which every member or stockholder may be required to sign. (j) The number and qualifications of members or stockholders of the association, and the conditions precedent to membership or ownership of common stock; the method, time, and manner of permitting members to withdraw or the holders of common stock to transfer their stock; the manner of assignment and transfer of interests of the members, and of the shares of common stock; the conditions upon which and time when membership of any member shall cease. The automatic suspension of the rights of a member when he ceases to be eligible to membership in the association, and mode, manner, and effect of expulsion of members; manner of determining the value of a member's interest and provisions for its purchase by the association upon the death or withdrawal of a member or stockholder, or upon the expulsion of a member or forfeiture of his membership, or at the option of the association, by conclusive appraisal by the board of directors. In case of the withdrawal or expulsion of a member the board of directors shall equitably and conclusively appraise his property interests in the association, if any, and shall fix the amount thereof in money, which shall be paid to him within one year after such expulsion or withdrawal.

Sec. 10. General and Special Meetings.—In its by-laws each association shall provide for one or more regular meetings annually. The board of directors shall have the right to call a special meeting at any time and one-third of the members or stockholders may file a petition stating the specific business to be brought before the association and demand a special meeting at any time. Such meetings must thereupon be called by the directors. Notice of all meetings, together with a statement of the purposes thereof, shall be mailed to each member at least five days prior to the meeting. The by-laws may require instead that such

notice be given by publication in a newspaper of general circulation published in the principal place of business of the association.

Sec. 11. Directors, Elections.—The affairs of the association shall be managed by a board of not less than five directors elected by the members or stockholders from their own number. No member of the association shall have more than one representative on the board of directors, and if the member be a firm, partnership, corporation or association, its representative on the board of directors must be an officer, director or full-time employe of such member. An association may provide a fair remuneration for the time actually spent by its officers and directors in its service. When a vacancy on the board of directors occurs other than by expiration of term, the remaining members of the board, by a majority vote, shall fill the vacancy.

Sec. 12. Election of Officers.—The directors shall elect from their number a president and such other officers as may be necessary to carry on the business of the association.

Sec. 13. Stock-membership Certificates.—When a member of an association established without capital stock has paid his membership fee in full he shall receive a certificate of membership. No association shall issue stock to a member until it has been fully paid for. Except for debts lawfully contracted between him and the association, no member shall be liable for the debts of the association to an amount exceeding the sum remaining unpaid by him for services rendered for him as a member by the association. The by-laws shall provide for and regulate the voting power of the members. The by-laws shall prohibit the transfer of membership certificates or the interests of its members, if said association is organized without capital stock, or the common stock of the association if organized with capital stock, to any person or persons not engaged in the production of unrefined natural petroleum handled by the association, and such restrictions must be printed upon every membership certificate or certificates of stock subject thereto. The association may at any time, except when the debts of the association ex-

ceed fifty per cent of the assets thereof, buy in or purchase the common stock at book value thereof as conclusively determined by the board of directors, and pay for it in cash within one year thereafter.

Sec. 14. Removal of Officer or Director.—Any member may bring charges against an officer or director by filing them in writing with the secretary of the association, together with a petition signed by one-third of the members requesting the removal of the officer or director in question. The removal shall be voted upon at the next regular or special meeting of the association, and by a majority vote of the members the association may remove the officer or director, and fill the vacancy. The director or officer against whom such charges have been brought shall be informed in writing of the charges previous to the meeting and shall have an opportunity at the meeting to be heard in person or by counsel, and to present witnesses, and the person or persons bringing the charges against him shall have the same opportunity.

Sec. 15. Referendum.—Upon demand of one-third of the entire board of directors, any matter that has been approved or passed by the board must be referred to the entire membership or stockholders for decision at the next special or regular meeting. A special meeting may be called for that purpose.

Sec. 16. Marketing Contract.—The association and its members may make and execute marketing contracts, requiring the members to sell, for a period of time, not over ten years, all or any specified part of the unrefined petroleum produced by any member or members, exclusively to or through the association or any facilities to be created by the association. The contract may provide that the association may sell or resell the products of its members with or without taking title thereto; that the association may collect the proceeds of the sale of the products of its members and pay over to the members the sale price, after deducting the necessary selling, overhead, and other costs and expenses; or the contract may provide that the members shall collect the proceeds of the sale of any of his products sold by or through the association; and that in

such event said member shall remit to the association the necessary selling, overhead, and other costs and expenses. The by-laws and the marketing contract may fix as liquidated damages specific sums to be paid by the member or stockholder of the association upon the breach by him of any provision in the marketing contract regarding the sale or delivery or withholding of products; and may further provide that the member will pay all cost, premiums for bonds, expenses and fees in case any action is brought upon the contract by the association; and any such provision shall be valid and enforceable in the courts of this State. In the event of any breach or threatened breach of such marketing contract by member, the association shall be entitled to an injunction to prevent the further breach of the contract and to a decree of specific performance thereof. Pending the adjudication of such an action and upon filing a verified complaint showing the breach or threatened breach, and upon filing a sufficient bond, and upon a trial upon the merits, the association shall be entitled to a temporary restraining order and preliminary injunction against the member.

Sec. 17. Annual Reports.—The board of directors of each association formed under this act shall procure an audit of the books, accounts and affairs of such association at least once every three months, and furnish an annual audit by a certified public accountant to each member of said association at least fifteen days prior to each annual meeting.

Sec. 18. Any provision of law which is in conflict with this chapter shall not be construed as applying to the associations herein provided for.

Sec. 19. Bond.—Each and all officers, employes and agents handling funds or property of the corporation created under the provisions of this chapter, or any property or funds of any person placed under the control or in the possession of said corporation, shall be required to execute and deliver to the corporation a bond for the benefit of all members of said corporation, conditioned upon the faithful performance of the duties and obligations of such person, officer, agent and employe, and further conditioned that such person

shall faithfully account for any and all moneys, funds and property coming into his or her hands or possession by reason of such office or employment, and shall promptly remit to the person or persons entitled to receive the same all moneys which may come into his or her possession by virtue of being such officer, employe or agent. In case the officers and directors of any corporation authorized to be created under the provisions of this law shall fail to have all officers, employes and agents handling such funds or property, execute the bond provided for herein, each and all of said officers and directors shall be personally liable for all losses occasioned by such failure and which might have been recovered on said bond.

Sec. 20. Interest in Other Corporations or Associations.—An association may organize, form, operate, control, have an interest in, own stock of, or be a member of any other corporation or corporations, with or without capital stock, and engaged in the marketing, selling, handling, or storing of unrefined natural petroleum handled by the association.

Sec. 21. Contracts and Agreements with Other Associations.—Any association may, upon resolution adopted by a two-thirds vote of its board of directors, enter into all necessary and proper contracts and agreements and make all necessary and proper stipulations, agreements, and contracts with any other co-operative association or associations formed in this or any other State for the co-operative and more economical marketing, selling, and storing of unrefined natural petroleum, the carrying on of its business or any part or parts thereof. Any two or more associations or corporations created under the provisions of this chapter may, by agreement between them, unite in employing and using or may separately employ and use the same methods, means, and agencies for carrying on and conducting their respective businesses.

Sec. 22. Breach of Contract or False Reports.—Any person or persons or any corporation whose officers or employes knowingly induce or attempt to induce any member or stockholder of an association organized to breach his marketing contract with the association, or who mali-

ciously and knowingly spread false reports about the finances or management thereof, shall be liable to the association aggrieved thereby in a civil suit for damages suffered in three times the amount of the actual damages proven for each offense.

Sec. 23. Associations Not in Restraint of Trade.—No association or corporation organized hereunder shall be deemed to be a combination in restraint of trade or an illegal monopoly; or an attempt to lessen competition; or fix prices arbitrarily; nor shall the marketing contracts or agreements between the association and its members nor any agreements authorized in this chapter, be considered illegal or in restraint of trade.

REQUESTING RETURN OF HOUSE BILL NO. 44.

Mr. Coombes offered the following resolution:

Whereas, House bill No. 44 was finally passed in the House in the absence of a member from Dallas county who had theretofore objected to its passage; and

Whereas, House bill No. 44 is a general bill applying only to Dallas county, was not advertised in Dallas county, and is only of interest to Dallas county Representatives; and

Whereas, House bill No. 44 will seriously impair the rights of parties to pending litigation in Dallas county; and

Whereas, It is desired to reconsider said bill and offer amendments thereto; now, therefor be it

Resolved, That the House of Representatives hereby requests the Senate to return said House bill No. 44 to the House for further consideration.

The resolution was read second time.

Mr. Petsch moved the previous question on the adoption of the resolution, and the main question was ordered.

Question first recurring on the resolution, it was adopted.

HOUSE BILL NO. 80 ON SECOND READING.

(By Unanimous Consent.)

On motion of Mr. Barron, the regular order of business was suspended to take up and have placed on its second reading and passage to engrossment,

H. B. No. 80, A bill to be entitled "An Act for the purpose of releasing the interest and penalties on all State, county, special school, school district, road district, levee improvement district, and irrigation district taxes and taxes of other defined subdivisions of the State, other than incorporated cities and towns, delinquent up to and including October 20, 1931, providing said taxes are paid by January 1, 1932; declaring a State policy and the existence of public calamity; repealing all laws in conflict herewith and declaring an emergency."

The Speaker laid the bill before the House, and it was read second time.

Mr. Jones of Atascosa moved the previous question on the pending amendment and the bill, and the main question was ordered.

Mr. Lockhart offered the following amendment to the bill:

Amend House bill No. 80 by striking out the words "special school and school district" in Section 1, page 2.

Question first recurring on the amendment by Mr. Lockhart, it was lost.

House bill No. 80 was then passed to engrossment.

HOUSE BILL NO. 80 ON THIRD READING.

Mr. Barron moved that the constitutional rule requiring bills to be read on three several days be suspended, and that House bill No. 80 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—93.

Adkins.	Engelhard.
Alsup.	Farmer.
Anderson.	Fisher.
Baker.	Forbes.
Barron.	Ford.
Bounds.	Fuchs.
Boyd.	Gilbert.
Brice.	Giles.
Bryant.	Goodman.
Carpenter.	Greathouse.
Coltrin.	Hanson.
Cox of Lamar.	Hardy.
Cox of Limestone.	Harman.
Cunningham.	Harrison
Dale.	of Waller.
Dodd.	Hatchitt.
Donnell.	Hefley.
Dunlap.	Herzik.
Dwyer.	Hill.
Elliott.	Hines.

Holland.	Pope.
Hoskins.	Ratliff.
Howsley.	Ray.
Hubbard.	Richardson.
Hughes.	Rogers.
Jackson.	Sanders.
Johnson	Satterwhite.
of Dimmit.	Savage.
Johnson of Morris.	Scott.
Jones of Shelby.	Smith of Bastrop.
Jones of Atascosa.	Sparkman.
Justiss.	Stephens.
Kayton.	Steward.
Keller.	Strong.
Kennedy.	Sullivant.
Lee.	Tarwater.
Lemens.	Terrell
Leonard.	of Cherokee.
Lilley.	Towery.
McCombs.	Vaughan.
Magee.	Veatch.
Mehl.	Wagstaff.
Metcalfe.	Walker.
Moffett.	Weinert.
Morse.	West of Coryell.
Munson.	West of Cameron.
Murphy.	Wyatt.
Olsen.	Young.
Petsch.	

Nays—10.

Adams of Jasper.	Lockhart.
Beck.	Long.
Caven.	McGill.
Davis.	Warwick.
Laird.	Wiggs.

Absent.

Adams of Harris.	Lasseter.
Akin.	McDougald.
Bond.	McGregor.
Brooks.	Martin.
Burns of Walker.	Moore.
Burns	Nicholson.
of McCulloch.	O'Quinn.
Coombes.	Ramsey.
DeWolfe.	Reader.
Dowell.	Rountree.
Duvall.	Shelton.
Farrar.	Sherrill.
Finn.	Smith of Wood.
Graves.	Stevenson.
Grogan.	Terrell
Holder.	of Val Verde.
Holloway.	Westbrook.
Johnson	
of Dallam.	

Absent—Excused.

Adamson.	Harrison
Albritton.	of El Paso.
Bedford.	Mathis.
Bradley.	Patterson.
Claunch.	Turner.
Daniel.	Van Zandt.
Ferguson.	

The Speaker then laid House bill No. 80 before the House on its third reading and final passage.

The bill was read third time.

Mr. Johnson of Dimmit offered the following amendment to the bill:

Amend House bill No. 80, by striking out the first 3 paragraphs in the "declaration of policy" part of the bill.

Mr. Barron moved the previous question on the pending amendments and the bill, and the main question was ordered.

Question first recurring on the amendment by Mr. Johnson of Dimmit, it was adopted.

Mr. Anderson offered the following amendment to the bill:

Amend H. B. No. 80, by changing date of payment from "January 1, 1932" to "on or before January 31, 1932."

The amendment was adopted.

By unanimous consent of the House, the caption of the bill was ordered amended to conform to all changes made in the body of the bill.

House bill No. 80 was then passed by the following vote:

Yeas—101.

Mr. Speaker.	Fuchs.
Adkins.	Gilbert.
Akin.	Giles.
Alsup.	Goodman.
Anderson.	Graves.
Baker.	Greathouse.
Barron.	Hanson.
Bond.	Hardy.
Bounds.	Harrison
Boyd.	of Waller.
Brice.	Hatchitt.
Bryant.	Hefley.
Burns of Walker.	Herzik.
Carpenter.	Hill.
Coltrin.	Hines.
Cox of Lamar.	Holland.
Cox of Limestone.	Holloway.
Cunningham.	Hoskins.
Dale.	Hubbard.
Dodd.	Hughes.
Donnell.	Jackson.
Dowell.	Johnson
Dunlap.	of Dimmit.
Duvall.	Johnson of Morris.
Dwyer.	Jones of Shelby.
Elliott.	Jones of Atascosa.
Engelhard.	Justiss.
Farmer.	Keller.
Finn.	Kennedy.
Fisher.	Laird.
Firbes.	Lee.
Ford.	Lemens.

Leonard.	Savage.
Lilley.	Sherrill.
McGill.	Smith of Bastrop.
Magee.	Sparkman.
Mehl.	Stephens.
Metcalf.	Steward.
Moore.	Strong.
Morse.	Sullivant.
Murphy.	Tarwater.
Nicholson.	Terrell
Olsen.	of Cherokee.
O'Quinn.	Towery.
Petsch.	Vaughan.
Pope.	Veatch.
Ray.	Wagstaff.
Reader.	Walker.
Richardson.	Weinert.
Rogers.	West of Coryell.
Sanders.	West of Cameron.
Satterwhite.	Wyatt.

Nays—12.

Adams of Jasper.	Long.
Beck.	McCombs.
Caven.	Munson.
Davis.	Ratliff.
Howsley.	Warwick.
Lockhart.	Wiggs.

Absent.

Adams of Harris.	McDougald.
Brooks.	McGregor.
Burns	Martin.
of McCulloch.	Moffett.
Coombes.	Ramsey.
DeWolfe.	Rountree.
Farrar.	Shelton.
Grogan.	Smith of Wood.
Harman.	Stevenson.
Holder.	Terrell
Johnson	of Val Verde.
of Dallam.	Westbrook.
Lasseter.	Young.

Absent—Excused.

Adamson.	Harrison
Albritton.	of El Paso.
Bedford.	Kayton.
Bradley.	Mathis.
Claunch.	Patterson.
Daniel.	Scott.
Ferguson.	Turner.
	Van Zandt.

SENATE BILLS ON FIRST READING.

The following Senate bills, received from the Senate today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

Senate bill No. 33, to the Committee on State Affairs.

Senate bill No. 44, to the Committee on Judiciary.

Senate bill No. 37, to the Committee on Appropriations.

REQUEST OF SENATE GRANTED.

On motion of Mrs. Hughes, the request of the Senate was granted for the appointment of a conference committee on Senate bill No. 13.

CONFERENCE COMMITTEE ON SENATE BILL NO. 13.

The Speaker announced the appointment of the following conference committee on Senate bill No. 13: Messrs. Vaughan, Savage, Anderson, Jones of Atascosa, and Mrs. Hughes.

MESSAGE FROM THE SENATE.

Senate Chamber,
Austin, Texas, September 25, 1931.

Hon. Fred H. Minor, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has refused to concur in

House amendments to Senate bill No. 13, and requests the appointment of a conference committee. The following have been appointed on the part of the Senate: Rawlings, Woodward, Small, Purl, and Hopkins.

The Senate grants the request of the House for the return of Senate bill No. 8 for further consideration.

The Senate has passed

S. B. No. 44, A bill to be entitled "An Act to authorize any county in this State, whose population according to the United States census of 1930 did not exceed 15,000, to purchase the property of such debtor, etc."

S. B. No. 33, A bill to be entitled "An Act relating to State warrants and to provide that certain State warrants shall draw interest after they are presented for payment and not paid, and to authorize the State Highway Commission to invest such portions of the State Highway Fund, as from time to time, may not be needed for immediate use, in State warrants drawn against the General Revenue Fund, provided that not more than three million dollars (\$3,000,000) shall be so invested at any one time, and declaring an emergency."

S. B. No. 37, A bill to be entitled "An Act making an emergency appropriation out of the Sand, Shell and Gravel Fund of the State to pay certain refunds to counties, and declaring an emergency."

H. C. R. No. 26, Relative to Harry Benge Crozier's being one of the ablest and most impartial newspaper correspondents in Texas.

Respectfully,
BOB BARKER,
Secretary of the Senate.

HOUSE BILL NO. 74 ON SECOND READING.

(By Unanimous Consent.)

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 74, A bill to be entitled "An Act making an emergency appropriation out of the funds belonging to the State Highway Department, not otherwise appropriated, for the purpose of paying the expenses necessary to carry out and complete the provisions of House bill No. 688, Acts of the Forty-second Legislature, Regular Session, Chapter 79, page 121, and declaring an emergency."

The bill was read second time, and was passed to engrossment.

HOUSE BILL NO. 74 ON THIRD READING.

Mr. Sanders moved that the constitutional rule requiring bills to be read on three several days be suspended, and that House bill No. 74 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—104.

Adams of Jasper.	Cunningham.
Adkins.	Dale.
Akin.	Dodd.
Alsup.	Donnell.
Anderson.	Dowell.
Baker.	Dunlap.
Barron.	Dwyer.
Beck.	Elliott.
Bond.	Engelhard.
Bounds.	Farmer.
Boyd.	Finn.
Bryant.	Forbes.
Burns of Walker.	Ford.
Carpenter.	Fuchs.
Coltrin.	Gilbert.
Coombes.	Giles.
Cox of Lamar.	Goodman.
Cox of Limestone.	Graves.

Greathouse.	Moore.
Hanson.	Morse.
Harman.	Munson.
Harrison	Murphy.
of Waller.	Nicholson.
Hatchitt.	Olsen.
Hefley.	O'Quinn.
Herzik.	Petsch.
Hill.	Ratliff.
Hines.	Reader.
Holland.	Richardson.
Holloway.	Rogers.
Hoskins.	Rountree.
Hubbard.	Sanders.
Jackson.	Satterwhite.
Johnson	Savage.
of Dimmit.	Smith of Bastrop.
Johnson of Morris.	Smith of Wood.
Jones of Shelby.	Sparkman.
Jones of Atascosa.	Stephens.
Justiss.	Steward.
Kennedy.	Strong.
Laird.	Sullivant.
Lasseter.	Tarwater.
Lee.	Terrell
Lemens.	of Cherokee.
Leonard.	Terrell
Lilley.	of Val Verde.
Lockhart.	Towery.
Long.	Vaughan.
McCombs.	Veatch.
McGill.	Wagstaff.
Magee.	Walker.
Mehl.	Weinert.
Metcalf.	West of Cameron.
Moffett.	Wyatt.

Nays—5.

Davis.	Warwick.
Fisher.	Wiggs.
Howsley.	

Absent.

Adams of Harris.	Keller.
Brice.	McDougald.
Brooks.	McGregor.
Burns	Martin.
of McCulloch.	Pope.
Caven.	Ramsey.
DeWolfe.	Ray.
Duvall.	Shelton.
Farrar.	Sherrill.
Grogan.	Stevenson.
Hardy.	West of Coryell.
Holder.	Westbrook.
Hughes.	Young.
Johnson	
of Dallam.	

Absent—Excused.

Adamson.	Ferguson.
Albritton.	Harrison
Bedford.	of El Paso.
Bradley.	Kayton.
Claunch.	Mathis.
Daniel.	Patterson.

Scott.
Turner.

Van Zandt.

The Speaker then laid House bill No. 74 before the House, on its third reading and final passage.

The bill was read third time, and was passed by the following vote:

Yeas—103.

Mr. Speaker.	Jones of Shelby.
Adams of Jasper.	Jones of Atascosa.
Adkins.	Justiss.
Alsup.	Kennedy.
Anderson.	Laird.
Baker.	Lasseter.
Barron.	Lee.
Beck.	Leonard.
Bond.	Lilley.
Bounds.	Lockhart.
Boyd.	McCombs.
Bryant.	McGill.
Burns of Walker.	Magee.
Carpenter.	Mehl.
Coltrin.	Metcalf.
Coombes.	Moffett.
Cox of Lamar.	Moore.
Cox of Limestone.	Morse.
Cunningham.	Munson.
Dale.	Murphy.
Dodd.	Olsen.
Donnell.	O'Quinn.
Dowell.	Petsch.
Dunlap.	Ratliff.
Dwyer.	Ray.
Elliott.	Reader.
Engelhard.	Richardson.
Farmer.	Rogers.
Finn.	Rountree.
Forbes.	Sanders.
Ford.	Satterwhite.
Fuchs.	Savage.
Gilbert.	Shelton.
Giles.	Sherrill.
Goodman.	Smith of Bastrop.
Graves.	Smith of Wood.
Greathouse.	Sparkman.
Hanson.	Stephens.
Harman.	Steward.
Harrison	Strong.
of Waller.	Sullivant.
Hatchitt.	Tarwater.
Hefley.	Terrell
Herzik.	of Cherokee.
Hill.	Terrell
Hines.	of Val Verde.
Holland.	Towery.
Hoskins.	Vaughan.
Hubbard.	Veatch.
Hughes.	Wagstaff.
Jackson.	Weinert.
Johnson	West of Cameron.
of Dimmit.	Wyatt.
Johnson of Morris.	

Nays—6.

Akin.	Nicholson.
Fisher.	Warwick.
Howsley.	Wiggs.

Absent.

Adams of Harris.	Johnson
Brice.	of Dallam.
Brooks.	Keller.
Burns	Lemens.
of McCulloch.	Long.
Caven.	McDougald.
Davis.	McGregor.
DeWolfe.	Martin.
Duvall.	Pope.
Farrar.	Ramsey.
Grogan.	Stevenson.
Hardy.	Walker.
Holder.	West of Coryell.
Holloway.	Westbrook.
	Young.

Absent—Excused.

Adamson.	Harrison
Albritton.	of El Paso.
Bedford.	Kayton.
Bradley.	Mathis.
Claunch.	Patterson.
Daniel.	Scott.
Ferguson.	Turner.
	Van Zandt.

HOUSE BILL NO. 76 ON SECOND READING.

(By Unanimous Consent.)

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 76, A bill to be entitled "An Act making an appropriation of the sum of fifty thousand dollars (\$50,000) or so much thereof as may be necessary out of the General Revenue to pay the per diem and mileage of members; the per diem of officers and employes; and the contingent expenses of the Second Called Session of the Forty-second Legislature of the State of Texas, convened on the 8th day of September, 1931, by proclamation of the Governor; to supplement the like appropriation of the Regular and First Called Sessions of said Legislature; to pay any unpaid vouchers or warrants held by members, officers, or employes of the Regular and First Called Sessions of said Legislature, etc., and declaring an emergency."

The bill was read second time, and was passed to engrossment.

HOUSE BILL NO. 76 ON THIRD READING.

Mr. Sanders moved that the constitutional rule requiring bills to be read on three several days be suspended, and that House bill No. 76 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—106.

Adams of Harris.	Jones of Atascosa.
Adams of Jasper.	Justiss.
Adkins.	Kennedy.
Akin.	Laird.
Alsup.	Lasseter.
Anderson.	Lee.
Baker.	Lemens.
Barron.	Lilley.
Beck.	Lockhart.
Bond.	McGill.
Bounds.	Magee.
Boyd.	Mehl.
Bryant.	Metcalfe.
Burns of Walker.	Moffett.
Coltrin.	Moore.
Coombes.	Morse.
Cox of Lamar.	Munson.
Cox of Limestone.	Murphy.
Cunningham.	Nicholson.
Dale.	Olsen.
Dodd.	O'Quinn.
Donnell.	Petsch.
Dowell.	Ratliff.
Dunlap.	Ray.
Dwyer.	Reader.
Elliott.	Richardson.
Engelhard.	Rogers.
Farmer.	Rountree.
Finn.	Sanders.
Forbes.	Satterwhite.
Ford.	Savage.
Fuchs.	Shelton.
Gilbert.	Sherrill.
Goodman.	Smith of Bastrop.
Graves.	Smith of Wood.
Greathouse.	Sparkman.
Grogan.	Stephens.
Hanson.	Stevenson.
Harman.	Steward.
Harrison	Strong.
of Waller.	Sullivan.
Hatchitt.	Tarwater.
Herzik.	Terrell
Hill.	of Cherokee.
Hines.	Terrell
Holland.	of Val Verde.
Hoskins.	Towery.
Howsley.	Vaughan.
Hubbard.	Veatch.
Hughes.	Wagstaff.
Jackson.	Walker.
Johnson	Warwick.
of Dimmit.	Weinert.
Johnson of Morris.	West of Cameron.
Jones of Shelby.	Wyatt.

Nays 2.

Fisher.

Wiggs.

Absent.

Brice.	Johnson
Brooks.	of Dallam.
Burns	Keller.
of McCulloch.	Leonard.
Carpenter.	Long.
Caven.	McCombs.
Davis.	McDougald.
DeWolfe.	McGregor.
Duvall.	Martin.
Farrar.	Pope.
Giles.	Ramsey.
Hardy.	West of Coryell.
Hefley.	Westbrook.
Holder.	Young.
Holloway.	

Absent—Excused.

Adamson.	Harrison
Albritton.	of El Paso.
Bedford.	Kayton.
Bradley.	Mathis.
Claunch.	Patterson.
Daniel.	Scott.
Ferguson.	Turner.
	Van Zandt.

The Speaker then laid House bill No. 76 before the House on its third reading and final passage.

The bill was read third time, and was passed by the following vote:

Yeas—104.

Adams of Harris.	Engelhard.
Adams of Jasper.	Farmer.
Adkins.	Finn.
Akin.	Forbes.
Alsup.	Ford.
Anderson.	Fuchs.
Baker.	Gilbert.
Barron.	Goodman.
Beck.	Graves.
Bond.	Greathouse.
Bounds.	Grogan.
Boyd.	Hanson.
Bryant.	Harman.
Burns of Walker.	Harrison
Burns	of Waller.
of McCulloch.	Hatchitt.
Coltrin.	Herzik.
Cox of Lamar.	Hill.
Cox of Limestone.	Hines.
Cunningham.	Holland.
Dale.	Hoskins.
Dodd.	Howsley.
Donnell.	Hubbard.
Dowell.	Hughes.
Dunlap.	Jackson.
Dwyer.	Johnson
Elliott.	of Dallam.

Johnson	Richardson.
of Dimmit.	Rogers.
Jones of Shelby.	Rountree.
Jones of Atascosa.	Sanders.
Justiss.	Satterwhite.
Kennedy.	Savage.
Laird.	Shelton.
Lasseter.	Sherrill.
Lee.	Smith of Wood.
Lemens.	Sparkman.
Lilley.	Stephens.
Lockhart.	Stevenson.
McCombs.	Steward.
McDougald.	Strong.
McGill.	Sullivant.
Magee.	Terrell
Mehl.	of Cherokee.
Metcalfe.	Terrell
Moffett.	of Val Verde.
Moore.	Towery.
Morse.	Vaughan.
Munson.	Veatch.
Murphy.	Wagstaff.
Nicholson.	Walker.
O'Quinn.	Warwick.
Petsch.	Weinert.
Ratliff.	West of Coryell.
Ray.	Wyatt.
Reader.	

Present—Not Voting.

Fisher.

Absent.

Brice.	Keller.
Brooks.	Leonard.
Carpenter.	Long.
Caven.	McGregor.
Coombes.	Martin.
Davis.	Olsen.
DeWolfe.	Pope.
Duvall.	Ramsey.
Farrar.	Smith of Bastrop.
Giles.	Tarwater.
Hardy.	West of Cameron.
Hefley.	Westbrook.
Holder.	Wiggs.
Holloway.	Young.
Johnson of Morris.	

Absent—Excused.

Adamson.	Harrison
Albritton.	of El Paso.
Bedford.	Kayton.
Bradley.	Mathis.
Claunch.	Patterson.
Daniel.	Scott.
Ferguson.	Turner.
	Van Zandt.

BILL SIGNED BY THE SPEAKER.

The Speaker signed, in the presence of the House, after giving due notice thereof and its caption had been read, the following enrolled bill:

H. B. No. 9, "An Act amending Chapter 367, Section 4, of the General Laws of the Regular Session of the Forty-second Legislature of Texas, by changing the time for holding district court in the counties of McCulloch, Brown, and Coleman, and declaring an emergency."

BILL ORDERED NOT PRINTED.

On motion of Mr. Wagstaff (by unanimous consent) Senate bill No. 33 was ordered not printed.

SENATE BILL NO. 33 ON SECOND READING.

(By Unanimous Consent.)

On motion of Mr. Wagstaff, the regular order of business was suspended to take up and have placed on its second reading and passage to third reading,

S. B. No. 33, A bill to be entitled "An Act relating to State warrants and to provide that certain State warrants shall bear interest, etc."

Mr. Sanders moved that the constitutional rule requiring bills to be read on three several days be suspended, and that Senate bill No. 33 be placed on its second reading and passage to third reading and on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—99.

Adams of Harris.	Elliott.
Adams of Jasper.	Engelhard.
Adkins.	Farmer.
Alsup.	Finn.
Baker.	Fisher.
Barron.	Forbes.
Beck.	Ford.
Bond.	Fuchs.
Bounds.	Gilbert.
Boyd.	Goodman.
Brice.	Graves.
Brooks.	Greathouse.
Bryant.	Grogan.
Burns of Walker.	Hanson.
Burns	Hardy.
of McCulloch.	Harrison
Carpenter.	of Waller.
Coltrin.	Hatchitt.
Cox of Lamar.	Hill.
Cox of Limestone.	Hines.
Dale.	Holland.
Dodd.	Holloway.
Donnell.	Hoskins.
Dowell.	Howsley.
Dunlap.	Johnson
Dwyer.	of Dallam.

Johnson	Reader.
of Dimmit.	Richardson.
Johnson of Morris.	Rountree.
Jones of Shelby.	Sanders.
Justiss.	Satterwhite.
Kennedy.	Savage.
Lasseter.	Shelton.
Lee.	Smith of Bastrop.
Lemens.	Smith of Wood.
Leonard.	Sparkman.
Lilley.	Stephens.
Lockhart.	Stevenson.
McCombs.	Steward.
McGill.	Strong.
McGregor.	Sullivant.
Magee.	Terrell
Metcalfe.	of Val Verde.
Moffett.	Towery.
Moore.	Veatch.
Morse.	Wagstaff.
Munson.	Walker.
Murphy.	Warwick.
Olsen.	West of Coryell.
Petsch.	West of Cameron.
Ratliff.	Wiggs.
Ray.	Wyatt.

Nays—9.

Akin.	Rogers.
Harman.	Sherrill.
Laird.	Terrell
Nicholson.	of Cherokee.
Pope.	Vaughan.

Absent.

Anderson.	Jackson.
Caven.	Jones of Atascosa.
Coombes.	Keller.
Cunningham.	Long.
Davis.	McDougald.
DeWolfe.	Martin.
Duvall.	Mehl.
Farrar.	O'Quinn.
Giles.	Ramsey.
Hefley.	Tarwater.
Herzik.	Weinert.
Holder.	Westbrook.
Hubbard.	Young.
Hughes.	

Absent—Excused.

Adamson.	Harrison
Albritton.	of El Paso.
Bedford.	Kayton.
Bradley.	Mathis.
Claunch.	Patterson.
Daniel.	Scott.
Ferguson.	Turner.
	Van Zandt.

The Speaker then laid Senate bill No. 33 before the House on its second reading and passage to third reading.

The bill was read second time.

Mr. Greathouse offered the following amendment to the bill:

Amend Senate bill No. 33, by striking out the following words in Section 1, page 1: "Together with interest thereon at the rate of 2 per cent per annum."

GREATHOUSE,
LOCKHART.

Question recurring on the amendment, it was lost.

Mr. Hubbard moved the previous question on the pending amendment and the bill, and the main question was ordered.

Mr. Finn offered the following amendment to the bill:

Amend Senate bill No. 33, by striking out all below the enacting clause and substituting in lieu thereof the following:

"Section 1. That Article 4386, of the Revised Civil Statutes of Texas, 1925, be amended so as to hereafter read as follows:

"Article 4386. Certain Special Funds Abolished.—All warrants on the State Treasury shall be general warrants, and shall be on an equal basis with each other except that in the event of a question and necessity arising as to the priority of payment of any such warrants, shall be paid in order of their serial number, such warrants to be numbered at all times in the order of receiving the accounts in the Comptroller's office. Provided, however, that the total due the Highway Department by any or all borrowing funds shall never exceed three million dollars (\$3,000,000) at any one time, and that not more than one-third ($\frac{1}{3}$) of the balance on hand as shown in the Treasurer's office of any other funds shall be paid out of any statutory special fund for the account of any other fund; and provided, further, that all funds borrowed by one fund from another fund shall be returned as revenues as received by the borrowing fund. This article shall not apply to warrants drawn for and appropriated to any special fund created or provided in the State Constitution, nor shall it apply to any special fund consisting of taxes set aside and remitted or donated by the Legislature to any county, city, or locality. Such constitutional funds and special tax remitting funds and the warrants against the same shall be handled under present laws."

"Sec. 1a. This shall apply to warrants hereafter issued by the State of Texas, or that may have been heretofore issued but not cashed or discounted by the original holder thereof, drawn upon the general fund.

"Sec. 2. The fact that the State is confronted with a large deficit and that emergency warrants are now being discounted by all employes of the State, and the further fact that the passage of this act will alleviate the present deplorable condition of agriculture in this State so as to adequately provide revenue without having to raise the ad valorem State tax rate on visible property such as farms and homes, creates an emergency and an imperative public necessity demanding that the constitutional rule requiring that bills be read on three several days in each house be suspended, and said rule is hereby suspended, and this act shall take effect and be in force from and after its passage, and it is so enacted."

(Mr. McGill in the chair.)

Mr. Graves raised a point of order on further consideration of the amendment at this time, on the ground that it violates certain provisions of the Constitution.

The Speaker overruled the point of order.

Question then recurring on the amendment by Mr. Finn, it was lost.

Senate bill No. 33 was then passed to third reading.

SENATE BILL NO. 33 ON THIRD READING.

The Speaker then laid Senate bill No. 33 before the House on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—86.

Adams of Harris.	Carpenter.
Adams of Jasper.	Caven.
Adkins.	Coltrin.
Akin.	Coombes.
Alsup.	Cox of Lamar.
Anderson.	Cox of Limestone.
Baker.	Cunningham.
Bond.	Donnell.
Bounds.	Dowell.
Boyd.	Dunlap.
Brice.	Dwyer.
Bryant.	Elliott.
Burns	Engelhard.
of McCulloch.	Farmer.

Farrar.	Leonard.
Finn.	Lilley.
Fisher.	McCombs.
Forbes.	McGill.
Ford.	Magee.
Fuchs.	Metcalfe.
Gilbert.	Moffett.
Goodman.	Moore.
Greathouse.	Morse.
Grogan.	Munson.
Harrison	Olsen.
of Waller.	Ramsey.
Hatchitt.	Ratliff.
Hefley.	Ray.
Herzik.	Reader.
Hill.	Richardson.
Hines.	Rountree.
Holloway.	Shelton.
Hoskins.	Smith of Bastrop.
Howsley.	Sparkman.
Hubbard.	Stephens.
Hughes.	Steward.
Johnson	Sullivant.
of Dimmit.	Towery.
Johnson of Morris.	Vaughan.
Jones of Shelby.	Veatch.
Jones of Atascosa.	Wagstaff.
Justiss.	Walker.
Kayton.	Weinert.
Kennedy.	West of Cameron.
Lee.	Wyatt.
Lemens.	

Nays—27.

Brooks.	Petsch.
Dale.	Pope.
Davis.	Rogers.
DeWolfe.	Scott.
Dodd.	Sherrill.
Giles.	Stevenson.
Graves.	Strong.
Hanson.	Tarwater.
Hardy.	Terrell
Harman.	of Cherokee.
Lockhart.	Terrell
McGregor.	of Val Verde.
Mehl.	West of Coryell.
O'Quinn.	Young.

Absent.

Barron.	Long.
Beck.	McDougald.
Burns of Walker.	Martin.
Duvall.	Murphy.
Holder.	Nicholson.
Holland.	Sanders.
Jackson.	Satterwhite.
Johnson	Savage.
of Dallam.	Smith of Wood.
Keller.	Warwick.
Laird.	Westbrook.
Lasseter.	Wiggs.

Absent—Excused.

Adamson.	Bedford.
Albritton.	Bradley.

Claunch.	Mathis.
Daniel.	Patterson.
Ferguson.	Turner.
Harrison	Van Zandt.
of El Paso.	

Mr. Hardy moved to reconsider the vote by which the bill was passed and to table the motion to reconsider.

Question recurring on the motion to table, it was lost.

Reasons for Vote.

The reason why I vote "no" is because the bill is unconstitutional, according to Article 8, Section 7.

HANSON.

I vote for the Finn amendment to Senate bill No. 33, because I am opposed to diverting these special funds and hope this amendment will jeopardize the final passage of the bill.

TERRELL of Cherokee.

MESSAGE FROM THE SENATE.

Senate Chamber,
Austin, Texas, September 25, 1931.

Hon. Fred H. Minor, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed

S. B. No. 36, A bill to be entitled "An Act supplementing the appropriation made during the Third Called Session of the Forty-first Legislature for the fiscal year ending August 31, 1931, to pay salaries of special judges and expenses of district judges for holding court out of their own counties, and declaring an emergency."

Respectfully,

BOB BARKER,
Secretary of the Senate.

PROVIDING FOR ADJOURNMENT SINE DIE.

Mr. Sanders moved to take up for consideration at this time House concurrent resolution No. 12, Providing for adjournment sine die, the resolution having heretofore been laid on the table subject to call, and due notice having been given that same would be called up today.

The motion prevailed by the following vote:

Yeas—58.

Adams of Harris.	Long.
Adams of Jasper.	McCombs.
Adkins.	Magee.
Akin.	Mehl.
Alsup.	Metcalfe.
Baker.	Moore.
Bond.	Morse.
Boyd.	Munson.
Bryant.	Nicholson.
Burns of Walker.	O'Quinn.
Coombes.	Patterson.
Davis.	Petsch.
Dowell.	Pope.
Dunlap.	Ratliff.
Finn.	Reader.
Fuchs.	Richardson.
Goodman.	Rogers.
Greathouse.	Rountree.
Grogan.	Sanders.
Hardy.	Savage.
Herzik.	Steward.
Hines.	Strong.
Holloway.	Tarwater.
Howsley.	Vaughan.
Hubbard.	Veatch.
Hughes.	Wagstaff.
Johnson	Walker.
of Dimmit.	Warwick.
Jones of Atascosa.	Weinert.
Kennedy.	

Nays—49.

Barron.	Hatchitt.
Bounds.	Hefley.
Brice.	Hill.
Burns	Hoskins.
of McCulloch.	Jackson.
Carpenter.	Johnson of Morris.
Coltrin.	Jones of Shelby.
Cox of Lamar.	Justiss.
Cox of Limestone.	Lee.
Cunningham.	Lemens.
Dale.	Leonard.
DeWolfe.	Lockhart.
Dodd.	McGregor.
Donnell.	Ray.
Elliott.	Scott.
Engelhard.	Sherrill.
Farmer.	Smith of Bastrop.
Farrar.	Sparkman.
Fisher.	Stephens.
Forbes.	Sullivant.
Ford.	Towery.
Gilbert.	West of Coryell.
Giles.	Wiggs.
Hanson.	Wyatt.
Harman.	Young.
Harrison of Waller.	

Present—Not Voting.

Moffett.

Absent.

Anderson.	Brooks.
Beck.	Caven.

Duvall.	Murphy.
Dwyer.	Olsen.
Graves.	Ramsey.
Holder.	Satterwhite.
Holland.	Shelton.
Johnson	Smith of Wood.
of Dallam.	Stevenson.
Keller.	Terrell
Laird.	of Cherokee.
Lasseter.	Terrell
Lilley.	of Val Verde.
McDougald.	West of Cameron.
McGill.	Westbrook.
Martin.	

Absent—Excused.

Adamson.	Harrison
Albritton.	of El Paso.
Bedford.	Kayton.
Bradley.	Mathis.
Claunch.	Turner.
Daniel.	Van Zandt.
Ferguson.	

Mr. Sanders offered the following amendment to the resolution:

Amend House concurrent resolution No. 12 by striking out the words "Thursday, September 17th, 1931" and inserting in lieu thereof "Monday, September 28, 1931."

(Speaker in the chair.)

Mr. DeWolfe offered the following substitute for the amendment by Mr. Sanders:

Amend House concurrent resolution No. 12 by striking out "September 17" and insert in lieu thereof "September 29."

Mr. Wiggs moved that the resolution be laid on the table subject to call.

The motion was lost by the following vote:

Yeas—51.

Baker.	Graves.
Bounds.	Grogan.
Coltrin.	Harman.
Cox of Lamar.	Harrison
Cox of Limestone.	of Waller.
Dale.	Hatchitt.
DeWolfe.	Hefley.
Dodd.	Hill.
Donnell.	Holloway.
Elliott.	Hoskins.
Engelhard.	Jackson.
Farmer.	Johnson of Morris.
Farrar.	Jones of Shelby.
Finn.	Justiss.
Fisher.	Laird.
Forbes.	Lemens.
Ford.	Leonard.
Giles.	Lilley.

Moffett.	Sparkman.
Murphy.	Stephens.
Olsen.	Sullivant.
Ray.	Vaughan.
Scott.	West of Coryell.
Shelton.	West of Cameron.
Sherrill.	Wiggs.
Smith of Bastrop.	Wyatt.

Nays—69.

Adams of Harris.	Kennedy.
Adams of Jasper.	Lasseter.
Adkins.	Lee.
Akin.	Lockhart.
Alsup.	McCombs.
Anderson.	McGill.
Beck.	Magee.
Bond.	Mehl.
Boyd.	Metcalfe.
Brooks.	Moore.
Bryant.	Morse.
Burns of Walker.	Munson.
Burns	Nicholson.
of McCulloch.	O'Quinn.
Carpenter.	Petsch.
Caven.	Pope.
Coombes.	Ratliff.
Davis.	Reader.
Dowell.	Rogers.
Duvall.	Rountree.
Dwyer.	Sanders.
Fuchs.	Satterwhite.
Gilbert.	Smith of Wood.
Goodman.	Steward.
Greathouse.	Strong.
Hanson.	Tarwater.
Hardy.	Terrell
Herzik.	of Cherokee.
Holder.	Terrell
Howsley.	of Val Verde.
Hubbard.	Towery.
Hughes.	Veatch.
Johnson	Wagstaff.
of Dallam.	Walker.
Johnson	Warwick.
of Dimmit.	Weinert.
Keller.	Young.

Absent.

Barron.	McDougald.
Brice.	McGregor.
Cunningham.	Martin.
Dunlap.	Ramsey.
Hines.	Richardson.
Holland.	Savage.
Jones of Atascosa.	Stevenson.
Long.	Westbrook.

Absent—Excused.

Adamson.	Harrison
Albritton.	of El Paso.
Bedford.	Kayton.
Bradley.	Mathis.
Claunch.	Patterson.
Daniel.	Turner.
Ferguson.	Van Zandt.

Mr. Anderson moved the previous question on the pending amendment and the resolution, and the main question was ordered.

Mr. Sanders asked unanimous consent of the House to take up and consider Senate concurrent resolution No. 13 in lieu of House concurrent resolution No. 12.

There was no objection, and it was so ordered.

The Speaker then laid before the House the following resolution:

S. C. R. No. 13, Providing for adjournment sine die.

Whereas, The Second Called Session of the Forty-second Legislature has completed the legislation for which it was primarily called; and,

Whereas, The financial condition of the State demands economy in its administration; be it

Resolved by the Senate of the State of Texas, the House of Representatives concurring, That the Second Called Session of the Forty-second Legislature stand adjourned sine die at 6 o'clock p. m., Tuesday, September 29, 1931.

The resolution was read second time.

Mr. Laird moved to reconsider the vote by which the previous question was ordered.

Mr. Keller moved to table the motion to reconsider.

Yeas and nays were demanded, and the motion to table prevailed by the following vote:

Yeas—70.

Adams of Harris.	Greathouse.
Adams of Jasper.	Hefley.
Adkins.	Herzik.
Anderson.	Holder.
Barron.	Holloway.
Beck.	Hubbard.
Bond.	Hughes.
Bounds.	Johnson
Boyd.	of Dallam.
Bryant.	Johnson
Burns	of Dimmit.
of Walker.	Jones of Shelby.
Carpenter.	Keller.
Caven.	Kennedy.
Coltrin.	Lee.
Davis.	Lockhart.
Duvall.	McCombs.
Farmer.	McGill.
Farrar.	McGregor.
Fisher.	Magee.
Gilbert.	Mehl.
Goodman.	Metcalfe.

Moffett.	Smith of Bastrop.
Moore.	Smith of Wood.
Morse.	Steward.
Munson.	Strong.
Nicholson.	Tarwater.
Olsen.	Terrell
O'Quinn.	of Cherokee.
Petsch.	Terrell
Pope.	of Val Verde.
Ratliff.	Towery.
Reader.	Veatch.
Richardson.	Wagstaff.
Rountree.	Warwick.
Sanders.	Weinert.
Satterwhite.	West of Cameron.
Savage.	

Nays—50.

Akin.	Hatchitt.
Baker.	Hill.
Brice.	Hoskins.
Brooks.	Howsley.
Burns	Johnson of Morris.
of McCulloch.	Jones of Atascosa.
Coombes.	Justiss.
Cox of Limestone.	Laird.
Cunningham.	Lasseter.
DeWolfe.	Lemens.
Dodd.	Leonard.
Donnell.	Lilley.
Dowell.	Murphy.
Dwyer.	Ray.
Elliott.	Rogers.
Engelhard.	Scott.
Finn.	Shelton.
Forbes.	Sherrill.
Ford.	Sparkman.
Fuchs.	Stephens.
Giles.	Sullivant.
Graves.	Walker.
Grogan.	West of Coryell.
Hanson.	Wyatt.
Hardy.	Young.
Harrison of Waller.	

Absent.

Alsup.	Long.
Cox of Lamar.	McDougald.
Dale.	Martin.
Dunlap.	Ramsey.
Harman.	Stevenson.
Hines.	Vaughan.
Holland.	Westbrook.
Jackson.	Wiggs.

Absent—Excused.

Adamson.	Harrison
Albritton.	of El Paso.
Bedford.	Kayton.
Bradley.	Mathis.
Claunch.	Patterson.
Daniel.	Turner.
Ferguson.	Van Zandt.

Question then recurring on the resolution, it was adopted.

Mr. Sanders moved to reconsider the vote by which the resolution was adopted and to table the motion to reconsider.

Question recurring on the motion to table, it was lost.

Reason for Vote.

I vote "no" on the resolution, because we have several important bills not disposed of.

HANSON.

MESSAGE FROM THE SENATE.

Senate Chamber,
Austin, Texas, September 25, 1931.
Hon. Fred H. Minor, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has adopted,

S. C. R. No. 13, Relating to sine die adjournment.

Respectfully,

BOB BARKER,
Secretary of the Senate.

SENATE BILL ON FIRST READING.

The following Senate bill, received from the Senate today, was laid before the House, read first time, and referred to the appropriate committee, as follows:

Senate bill No. 36, to the Committee on Appropriations.

RECESS.

On motion of Mr. Sanders, the House at 12 o'clock m., took recess to 2 o'clock p. m., today.

AFTERNOON SESSION.

The House met at 2 o'clock p. m., and was called to order by the Speaker.

BILL ORDERED NOT PRINTED.

On motion of Mr. Sanders, House bill No. 81 was ordered not printed.

BILLS RE-REFERRED TO THE COMMITTEE OF THE WHOLE HOUSE.

On motion of Mr. DeWolfe, House bills Nos. 91 and 92 were (by unanimous consent) referred to the Committee of the Whole House.

On motion of Mr. Savage, House

bill No. 93 was referred to the Committee of the Whole House.

BILLS ORDERED NOT PRINTED.

On motion of Mr. Leonard, House bill No. 89 was ordered not printed.

On motion of Mr. Sherrill, Senate bill No. 44 was ordered not printed.

RELATIVE TO HOUSE BILL NO. 65.

On motion of Mr. Howsley, the Engrossing Clerk was authorized to use the printed copy of House bill No. 65 in lieu of engrossing the bill.

HOUSE BILL NO. 44 WITH SENATE AMENDMENTS.

Mr. Keller called up from the Speaker's table, with Senate amendments for consideration of the amendments,

H. B. No. 44, A bill to be entitled "An Act to amend Chapter 47 of the Acts of the First Called Session of the Forty-first Legislature, as amended by Chapter 140 of the Acts of the Regular Session of the Forty-second Legislature, so as to provide that neither said act nor said act so amended shall apply to nor affect any county in this State which is subject to the provisions of Chapter 82 of the General and Special Laws of the Regular Session of the Fortieth Legislature, being Senate bill No. 375 of said Session, published on page 124 of said laws, and to validate all consolidations of school districts and other acts of the county board of school trustees of all counties subject to the provisions of said Chapter 82, heretofore consummated or performed; and declaring an emergency."

The Speaker laid the bill before the House, and the Senate amendments were read.

Mr. Keller moved that the House concur in the Senate amendments.

Mr. Savage moved that the House do not concur in the Senate amendments, and that a free conference committee be appointed to adjust the differences.

Mr. Keller moved to table the motion of Mr. Savage, and the motion to table was lost.

Question then recurring on the motion by Mr. Savage, it prevailed.

MESSAGE FROM THE SENATE.

Senate Chamber,
Austin, Texas, September 25, 1931.
Hon. Fred H. Minor, Speaker of the
House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed

H. B. No. 44, A bill to be entitled "An Act to amend Chapter 47 of the Acts of the First Called Session of the Forty-first Legislature, as amended by Chapter 140 of the Acts of the Regular Session of the Forty-second Legislature, so as to provide that neither said act nor said act so amended shall apply to nor affect any county in this State which is subject to the provisions of Chapter 82 of the General and Special Laws of the Regular Session of the Fortieth Legislature, being Senate bill No. 375 of said session, published on page 124 of said laws, and to validate all consolidations of school districts and other acts of the county board of school trustees of all counties subject to the provisions of said Chapter 82, heretofore consummated or performed; and declaring an emergency," with amendments.

Respectfully,

BOB BARKER,
Secretary of the Senate.

HOUSE BILL NO. 38 ON SECOND READING.

Mr. Davis moved that the House rule, which relates to the consideration of bills in their regular order, be suspended at this time to take up and consider House bill No. 38.

The motion prevailed.

The Speaker then laid before the House, on its second reading and passage to engrossment,

H. B. No. 38, A bill to be entitled "An Act to amend Section 7, Chapter 163, of the General Laws of the State of Texas, passed by the Forty-second Legislature at its Regular Session, 1931, relating to the issuance of bonds and warrants by cities and counties, so as to authorize the issuance of notes, bonds, or treasury warrants for funding the existing legal indebtedness of counties or cities without notice of a referendum vote; validating all bonds heretofore authorized pursuant to said Chapter 163, the records or transcripts of which have been approved by the At-

torney General; validating the authorization and issuance of all funding and refunding bonds heretofore authorized by orders of the commissioners courts or the ordinances of the governing bodies of cities or towns, made and entered pursuant to said Chapter 163, and providing for their issuance; enacting provisions incident and necessary to the subject and purpose of this act, and declaring an emergency."

The bill was read second time.

Mr. Morse moved a call of the House for the purpose of maintaining a quorum pending reconsideration of House bill No. 38, and the motion to reconsider the vote by which Senate bill No. 33 was passed, and the call was duly ordered.

The Speaker then directed the Doorkeeper to close the main entrance to the Hall, and instructed the Sergeant-at-Arms to lock all other doors leading from the Hall, and stated that no member would be permitted to leave the Hall without written permission from the Speaker.

On motion of Mr. Morse, the Sergeant-at-Arms was instructed to bring in all absent members within the city who are not ill.

Mr. Donnell offered the following amendment to the bill:

Amend House bill No. 38, by striking out the figure and words "six (6) per cent" where it occurs and substitute the words and figure "five (5) per cent."

DONNELL,
KENNEDY.

Mr. Hubbard moved the previous question on the pending amendment and the bill, and the main question was ordered.

Mr. Terrell of Cherokee offered the following amendment to the bill:

Amend the bill by striking out all below the enacting clause and insert in lieu thereof the following:

"Section 1. That Chapter 163, Acts of the Regular Session of the Forty-second Legislature be and the same is hereby repealed."

Mr. Petsch raised a point of order on further consideration of the amendment on the ground that the amendment changes the purpose of the bill.

The Speaker sustained the point of order.

Mr. Petsch offered the following amendment to the bill:

Amend House bill No. 38, as follows: Strike out Section 3 of the bill and renumber the remaining sections.

(Mr. Sanders in the chair.)

Question first recurring on the amendment by Mr. Donnell, it was lost.

Question next recurring on the amendment by Mr. Petsch, it was adopted.

Question recurring on the engrossment of the bill, yeas and nays were demanded.

House bill No. 38 then failed to pass to engrossment by the following vote:

Yeas—42.

Adams of Jasper.	Johnson of Morris.
Anderson.	Jones of Shelby.
Beck.	Lilley.
Bounds.	Mehl.
Boyd.	Moffett.
Burns of Walker.	Moore.
Burns	Morse.
of McCulloch.	Munson.
Carpenter.	Murphy.
Davis.	Olsen.
Dowell.	Petsch.
Duvall.	Ramsey.
Dwyer.	Reader.
Forbes.	Rountree.
Ford.	Savage.
Grogan.	Steward.
Hatchitt.	Strong.
Hill.	Towery.
Hines.	Wagstaff.
Holder.	Warwick.
Hubbard.	West of Coryell.
Johnson	
of Dimmit.	

Nays—66.

Adkins.	Farmer.
Akin.	Farrar.
Alsup.	Finn.
Baker.	Fisher.
Bond.	Fuchs.
Brice.	Gilbert.
Brooks.	Giles.
Bryant.	Goodman.
Caven.	Greathouse.
Coltrin.	Hanson.
Cox of Limestone.	Hardy.
Cunningham.	Harman.
Dale.	Harrison
Dodd.	of Waller.
Donnell.	Hefley.
Elliott.	Herzik.
Engelhard.	Hoskins.

Hughes.	Richardson.
Jackson.	Rogers.
Johnson	Satterwhite.
of Dallam.	Shelton.
Jones of Atascosa.	Smith of Bastrop.
Justiss.	Smith of Wood.
Kennedy.	Sparkman.
Laird.	Sullivant.
Lasseter.	Tarwater.
Leonard.	Terrell
Lockhart.	of Cherokee.
Long.	Terrell
McGill.	of Val Verde.
McGregor.	Veatch.
Magee.	Walker.
Nicholson.	West of Cameron.
O'Quinn.	Wiggs.
Ratliff.	Young.

Absent.

Adams of Harris.	McDougald.
Barron.	Martin.
Coombes.	Metcalfe.
Cox of Lamar.	Pope.
DeWolfe.	Ray.
Dunlap.	Sanders.
Graves.	Scott.
Holland.	Sherrill.
Holloway.	Stephens.
Howsley.	Stevenson.
Keller.	Vaughan.
Lee.	Weinert.
Lemens.	Westbrook.
McCombs.	Wyatt.

Absent—Excused.

Adamson.	Harrison
Albritton.	of El Paso.
Bedford.	Kayton.
Bradley.	Mathis.
Claunch.	Patterson.
Daniel.	Turner.
Ferguson.	Van Zandt.

Mr. Terrell of Cherokee moved to reconsider the vote by which the bill failed to pass to engrossment, and to table the motion to reconsider.

The motion prevailed.

CONFERENCE COMMITTEE ON HOUSE BILL NO. 44.

The Speaker announced the appointment of the following conference committee on House bill No. 44: Messrs. McCombs, Coombes, Savage, Holder, and Mrs. Hughes.

RESOLUTION SIGNED BY THE SPEAKER.

The Speaker signed, in the presence of the House, after giving due notice thereof, and its caption had been read, the following enrolled resolution:

S. C. R. No. 13, Providing for adjournment sine die.

SENATE BILL NO. 33 ON THIRD READING.

Mr. Hubbard called up, for consideration at this time, the motion to reconsider the vote by which Senate bill No. 33 was passed.

The motion to reconsider prevailed by the following vote:

Yeas—101.

Adams of Jasper.	Johnson of Dimmit.
Adkins.	Johnson of Morris.
Akin.	Jones of Shelby.
Alsup.	Jones of Atascosa.
Anderson.	Justiss.
Baker.	Keller.
Barron.	Kennedy.
Bond.	Laird.
Bounds.	Lemens.
Boyd.	Leonard.
Brice.	Lilley.
Brooks.	Long.
Bryant.	McGill.
Burns	McGregor.
of McCulloch.	Magee.
Carpenter.	Mehl.
Caven.	Metcalfe.
Cox of Limestone.	Moffett.
Cunningham.	Moore.
DeWolfe.	Morse.
Dodd.	Munson.
Donnell.	Murphy.
Dowell.	Nicholson.
Duvall.	Olsen.
Elliott.	O'Quinn.
Engelhard.	Patterson.
Farmer.	Petsch.
Farrar.	Ramsey.
Finn.	Ratliff.
Fisher.	Ray.
Forbes.	Reader.
Ford.	Richardson.
Fuchs.	Rountree.
Gilbert.	Sanders.
Goodman.	Satterwhite.
Greathouse.	Savage.
Grogan.	Shelton.
Hanson.	Sherrill.
Harrison	Smith of Bastrop.
of Waller.	Smith of Wood.
Hefley.	Sparkman.
Herzik.	Stephens.
Hill.	Steward.
Hines.	Sullivant.
Holder.	Tarwater.
Holland.	Towery.
Hoskins.	Veatch.
Howsley.	Wagstaff.
Hubbard.	Walker.
Hughes.	Warwick.
Johnson	West of Cameron.
of Dallam.	Wiggs.

Nays—9.

Burns of Walker.	Terrell
Graves.	of Cherokee.
Hardy.	Terrell
Lasseter.	of Val Verde.
Lockhart.	West of Coryell.
Pope.	

Absent.

Adams of Harris.	Lee.
Beck.	McCombs.
Coltrin.	McDougald.
Coombes.	Martin.
Cox of Lamar.	Rogers.
Dale.	Scott.
Davis.	Stevenson.
Dunlap.	Strong.
Dwyer.	Vaughan.
Giles.	Weinert.
Harman.	Westbrook.
Hatchitt.	Wyatt.
Holloway.	Young.
Jackson.	

Absent—Excused.

Adamson.	Harrison
Albritton.	of El Paso.
Bedford.	Kayton.
Bradley.	Mathis.
Claunch.	Turner.
Daniel.	Van Zandt.
Ferguson.	

RECALLING SENATE BILL NO. 33 FOR FURTHER CONSIDERATION.

Mr. Wagstaff offered the following resolution:

Whereas, Senate bill No. 33 has passed finally and gone to the Senate; and

Whereas, It is desired that further consideration be given this bill; now, therefore be it

Resolved, That the Senate be requested to return Senate bill No. 33 to the House for further consideration.

WAGSTAFF,
HUBBARD.

The resolution was read second time, and was adopted.

SENATE BILL NO. 33 ON FINAL PASSAGE.

The Speaker laid before the House, for consideration at this time, on its final passage, Senate bill No. 33.

The bill having heretofore been read third time.

Question—Shall Senate bill No. 33 be passed?

Senate bill No. 33 was then passed by the following vote:

Yeas—109.

Mr. Speaker.	Johnson
Adams of Jasper.	of Dallam.
Adkins.	Johnson
Akin.	of Dimmit.
Alsup.	Johnson of Morris.
Anderson.	Jones of Shelby.
Baker.	Jones of Atascosa.
Barron.	Justiss.
Bond.	Keller.
Bounds.	Kennedy.
Boyd.	Laird.
Brice.	Lasseter.
Brooks.	Lemens.
Bryant.	Leonard.
Burns of Walker.	Lilley.
Burns	McGill.
of McCulloch.	Magee.
Carpenter.	Mehl.
Caven.	Metcalfe.
Coltrin.	Moffett.
Cox of Limestone.	Moore.
Cunningham.	Morse.
Dale.	Munson.
Davis.	Murphy.
Dodd.	Olsen.
Donnell.	O'Quinn.
Dowell.	Patterson.
Dunlap.	Petsch.
Duvall.	Ramsey.
Dwyer.	Ratliff.
Elliott.	Ray.
Engelhard.	Reader.
Farmer.	Richardson.
Farrar.	Rogers.
Finn.	Sanders.
Fisher.	Satterwhite.
Forbes.	Savage.
Ford.	Shelton.
Fuchs.	Sherrill.
Gilbert.	Smith of Bastrop.
Giles.	Smith of Wood.
Goodman.	Sparkman.
Grogan.	Stephens.
Hanson.	Steward.
Harrison	Strong.
of Waller.	Sullivan.
Hatchitt.	Tarwater.
Hefley.	Terrell of Cherokee.
Herzik.	Towery.
Hill.	Veatch.
Hines.	Wagstaff.
Holder.	Walker.
Holland.	Warwick.
Hoskins.	West of Cameron.
Howsley.	Wiggs.
Hubbard.	Young.
Hughes.	

Nays—10.

Beck.	Greathouse.
DeWolfe.	Hardy.
Graves.	Lockhart.

Nicholson.
Pope.

Terrell of Val Verde.
West of Coryell.

Absent.

Adams of Harris.	McDougald.
Coombes.	McGregor.
Cox of Lamar.	Martin.
Harman.	Rountree.
Holloway.	Stevenson.
Jackson.	Vaughan.
Lee.	Weinert.
Long.	Westbrook.
McCombs.	Wyatt.

Absent—Excused.

Adamson.	Harrison
Albritton.	of El Paso.
Bedford.	Kayton.
Bradley.	Mathis.
Claunch.	Scott.
Daniel.	Turner.
Ferguson.	Van Zandt.

Reasons for Vote.

I am opposed to transferring the highway funds or any other special funds to the General Revenue Fund and voted against the bill this morning, but since it was passed and did not get enough votes to put it into immediate effect, I am willing to change my vote in order to put the bill into immediate effect, since it will become a law anyway.

TERRELL of Cherokee.

I vote against Senate bill No. 33, because I am firmly convinced that this bill violates the provisions of Article 8, Section 7 of our State Constitution.

GRAVES.

I vote "no" on Senate bill No. 33, because in my judgment, (1) it is clearly a violation of Section 7, Article 8 of the Constitution, and Article 94 of the Penal Code, and (2) it sets a precedent dangerous and vicious in its tendencies.

WEST of Coryell.

MESSAGE FROM THE SENATE.

Senate Chamber,
Austin, Texas, September 25, 1931.

Hon. Fred H. Minor, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has adopted

Conference committee report on Senate bill No. 24 by a vote of 14 yeas and 10 nays.

The Senate has granted the request of the House for the return of Senate bill No. 33.

Respectfully,
BOB BARKER,
Secretary of the Senate.

HOUSE BILL NO. 80 WITH SENATE AMENDMENTS.

Mr. Barron called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. B. No. 80, A bill to be entitled "An Act for the purpose of releasing the interest and penalties on all State, county, special school, school district, road district, levee improvement district, and irrigation district taxes and taxes of other defined subdivisions of the State, other than incorporated cities and towns, delinquent up to and including October 20, 1931, providing said taxes are paid by January 1, 1932; declaring a State policy and the existence of a public calamity; repealing all laws in conflict herewith, and declaring an emergency."

The Speaker laid the bill before the House, and the Senate amendments were read.

On motion of Mr. Barron, the House concurred in the Senate amendments by the following vote:

Yeas—103.

Mr. Speaker.	Fisher.
Adams of Jasper.	Forbes.
Adkins.	Ford.
Akin.	Fuchs.
Alsup.	Gilbert.
Anderson.	Giles.
Baker.	Goodman.
Barron.	Graves.
Bounds.	Greathouse.
Boyd.	Grogan.
Brice.	Hanson.
Brooks.	Hardy.
Bryant.	Harman.
Burns of Walker.	Harrison
Carpenter.	of Waller.
Coltrin.	Hatchitt.
Cox of Limestone.	Herzik.
Dale.	Hill.
DeWolfe.	Hines.
Dodd.	Holder.
Donnell.	Holland.
Dowell.	Hoskins.
Dunlap.	Howsley.
Duvall.	Hubbard.
Engelhard.	Hughes.
Farmer.	Johnson
Farrar.	of Dimmit.
Finn.	Johnson of Morris.

Jones of Atascosa.	Savage.
Justiss.	Shelton.
Keller.	Sherrill.
Kennedy.	Smith of Bastrop.
Lemens.	Smith of Wood.
Leonard.	Sparkman.
Lilley.	Stephens.
McGregor.	Stevenson.
Magee.	Steward.
Mehl.	Strong.
Metcalfe.	Sullivant.
Moffett.	Tarwater.
Moore.	Terrell
Morse.	of Cherokee.
Murphy.	Terrell
Olsen.	of Val Verde.
O'Quinn.	Towery.
Patterson.	Veatch.
Petsch.	Wagstaff.
Pope.	Walker.
Ratliff.	Warwick.
Ray.	West of Coryell.
Reader.	West of Cameron.
Rogers.	Wiggs.
Rountree.	Young.
Satterwhite.	

Nays—8.

Burns	Lockhart.
of McCulloch.	Long.
Caven.	McGill.
Davis.	Munson.
Lasseter.	

Absent.

Adams of Harris.	Laird.
Beck.	Lee.
Bond.	McCombs.
Coombes.	McDougald.
Cox of Lamar.	Martin.
Cunningham.	Nicholson.
Dwyer.	Ramsey.
Elliott.	Richardson.
Hefley.	Sanders.
Holloway.	Vaughan.
Jackson.	Weinert.
Johnson	Westbrook.
of Dallam.	Wyatt.
Jones of Shelby.	

Absent—Excused.

Adamson.	Harrison
Albritton.	of El Paso.
Bedford.	Kayton.
Bradley.	Mathis.
Claunch.	Scott.
Daniel.	Turner.
Ferguson.	Van Zandt.

MESSAGE FROM THE SENATE.

Senate Chamber,
Austin, Texas, September 25, 1931.
Hon. Fred H. Minor, Speaker of the
House of Representatives.
Sir: I am directed by the Senate

to inform the House that the Senate has adopted

Conference committee report on Senate bill No. 13, by the following vote: Yeas, 26, nays 0.

The Senate has passed

H. B. No. 80, A bill to be entitled "An Act for the purpose of releasing the interest and penalties on all State, county, special school, school district, road district, levee improvement district, and irrigation district taxes and taxes of other defined subdivisions of the State, other than incorporated cities and towns, delinquent up to and including October 20, 1931, providing said taxes are paid by January 1, 1932; declaring a State policy and the existence of a public calamity; repealing all laws in conflict herewith and declaring an emergency," with amendments.

Respectfully,

BOB BARKER,
Secretary of the Senate.

RELATIVE TO HOUSE CONCURRENT RESOLUTION NO. 14.

Mr. Hardy asked unanimous consent of the House to have House concurrent resolution No. 14 referred to the Committee on Oil, Gas, and Mining.

There was no objection offered, and it was so ordered.

HOUSE BILL NO. 86 ON SECOND READING.

(By Unanimous Consent.)

On motion of Mr. Keller, the regular order of business was suspended to take up and have placed on its second reading and passage to engrossment,

H. B. No. 86, A bill to be entitled "An Act to amend Article 773, Revised Penal Code of 1925 of the State of Texas, so as to make the provisions of said bill apply to optometrists and to re-enact Article 774 of the Revised Penal Code of 1925 of the State of Texas; and declaring an emergency."

The Speaker laid the bill before the House, and it was read second time.

Mr. Anderson offered the following amendment to the bill:

Amend House bill No. 86, by amending Section 2 to read after first paragraph:

"Article 774. Advertising.—The preceding article shall not be con-

strued to prohibit the inserting in a newspaper of any advertisement of such person's business, profession and place of business, or from advertising by handbills and paying for services in distributing same."

The amendment was adopted.

House bill No. 86 was then passed to engrossment.

HOUSE BILL NO. 86 ON THIRD READING.

Mr. Keller moved that the constitutional rule requiring bills to be read on three several days be suspended, and that House bill No. 86 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—94.

Adams of Jasper.	Hoskins.
Alsup.	Howsley.
Anderson.	Hubbard.
Baker.	Hughes.
Barron.	Johnson
Bounds.	of Dallam.
Boyd.	Johnson
Brice.	of Dimmit.
Bryant.	Johnson of Morris.
Burns of Walker.	Jones of Shelby.
Burns	Justiss.
of McCulloch.	Keller.
Carpenter.	Lemens.
Coltrin.	Leonard.
Cox of Limestone.	Lilley.
Dale.	Lockhart.
DeWolfe.	Long.
Dodd.	McGill.
Donnell.	Mehl.
Dowell.	Metcalf.
Dunlap.	Moffett.
Duval.	Moore.
Dwyer.	Morse.
Engelhard.	Munson.
Farmer.	Murphy.
Farrar.	Olsen.
Finn.	O'Quinn.
Fisher.	Petsch.
Forbes.	Pope.
Ford.	Ratliff.
Fuchs.	Ray.
Gilbert.	Reader.
Giles.	Rogers.
Goodman.	Rountree.
Greathouse.	Satterwhite.
Grogan.	Savage.
Hanson.	Shelton.
Harman.	Sherrill.
Herzik.	Smith of Wood.
Hill.	Sparkman.
Hines.	Steward.
Holder.	Strong.
Holland.	Sullivant.

Tarwater.	Walker.
Terrell	Warwick.
of Val Verde.	West of Coryell.
Towery.	West of Cameron.
Veatch.	Wiggs.
Wagstaff.	Young.

Nays—9.

Adkins.	Laird.
Akin.	Lasseter.
Elliott.	Smith of Bastrop.
Graves.	Terrell
Kennedy.	of Cherokee.

Absent.

Adams of Harris.	Lee.
Beck.	McCombs.
Bond.	McDougald.
Brooks.	McGregor.
Caven.	Magee.
Coombes.	Martin.
Cox of Lamar.	Nicholson.
Cunningham.	Ramsey.
Davis.	Richardson.
Hardy.	Sanders.
Harrison	Scott.
of Waller.	Stephens.
Hatchitt.	Stevenson.
Hefley.	Vaughan.
Holloway.	Weinert.
Jackson.	Westbrook.
Jones of Atascosa.	Wyatt.

Absent—Excused.

Adamson.	Harrison
Albritton.	of El Paso.
Bedford.	Kayton.
Bradley.	Mathis.
Claunch.	Patterson.
Daniel.	Turner.
Ferguson.	Van Zandt.

The Speaker then laid House bill No. 86 before the House on its third reading and final passage.

The bill was read third time, and was passed.

CONFERENCE COMMITTEE REPORT ON SENATE BILL NO. 13.

Mrs. Hughes submitted the following conference committee report on Senate bill No. 13:

Committee Room,
Austin, Texas, September 25, 1931.
Hon. Edgar E. Witt, President of the Senate, Hon. Fred H. Minor, Speaker of the House of Representatives.

Sirs: We, your conference committee on Senate bill No. 13, have had

same under consideration, and have adjusted the difference between the House and Senate, and recommend the passage of the hereto attached bill, which is made a part of this report.

Respectfully submitted,

RAWLINGS,
PURL,
HOPKINS,
WOODWARD,
SMALL.

On the part of the Senate.

VAUGHAN,
HUGHES,
ANDERSON,
SAVAGE,
JONES of Atascosa.

On the part of the House.

A BILL

To Be Entitled

"An Act to amend Article 7332, Chapter 10, Title 122, of the Revised Civil Statutes of Texas, 1925, as amended by the act of the Forty-first Legislature passed at its Regular Session, and found in the published laws of said session, Chapter 143, pages 307-8, and as amended by the Acts of the Fourth Called Session of the Forty-first Legislature, as the same appears in the published laws of said session, Chapter 20, page 37, and as amended by the Forty-second Legislature at its Regular Session as same appears in the published laws of said session, Chapter 258, page 428; providing for the fees of office for the various officers herein named; and providing that the officers herein named shall not be entitled to the fees provided for herein in delinquent tax suits until notice has been given to the owner for the time and in the manner provided by law; to repeal all laws in conflict herewith, and declaring an emergency."

Be it enacted by the Legislature of the State of Texas:

Section 1. That Article 7332, Chapter 10, of Title 122, of the Revised Civil States of the State of Texas, 1925, as amended by the Acts of the Forty-first Legislature passed at its Regular Session and found in the published laws of said session, Chapter 143, pages 307-8, and as amended by the Acts of the Fourth Called Session of the Forty-first Leg-

islature, as the same appears in the published laws of said session, Chapter 20, page 37, and as amended by the Acts of the Forty-second Legislature, passed at its Regular Session, and found in the published laws of said session, Chapter 258, page 428, be so amended as to hereafter read as follows:

"Article 7332. Other Fees.—The county or district attorney shall represent the State and county in all suits against delinquent taxpayers that are provided for in this law, and all sums collected shall be paid over immediately to the county collector.

"Before filing suits for the recovery of delinquent taxes for any year, notice shall be given to the owner or owners of said property as is provided for in Article 7324 of the Revised Civil Statutes of Texas, 1925, as amended by Chapter 117, page 196, Acts of the Forty-second Legislature, Regular Session. The fees herein provided for shall not accrue to nor shall the various officers herein named be entitled thereto in any suit unless it be proved that notice has been given to the owner for the time and in the manner provided by law.

"In all cases, the compensation of said attorney shall be two (2) dollars for the first tract and one (1) dollar for each additional tract up to four (4), but said fee in no case to exceed five (5) dollars. And provided, that in any suit brought against any individual or corporate owner, all past due taxes for all previous years on such tract or tracts shall be included; and provided further, that where there are several lots in the same addition or subdivision delinquent, belonging to the same owner, all said delinquent lots shall be made the subject of a single suit.

"Provided, however, that said officer shall not receive nor retain said fees in excess of the maximum compensation allowed said officer under the laws of this State.

"The sheriff or constable of the county in which the suit is pending shall receive a fee of two (2) dollars in each case which will cover the service of all process, and the selling of the property and executing deeds for same. If, in any such suit, process is issued to be served in counties other than the one in which the suit is pending, the sheriff or constable serving the same shall receive a fee

of one (1) dollar in each suit for his services.

"The district shall receive a fee of two (\$2) dollars in full for his services in each case.

"The county clerk shall receive one (\$1) dollar in full for his services in each case.

"Provided, that the fees herein provided for in connection with delinquent tax suits shall constitute the only fees that shall be charged by said officers for preparing, filing, instituting, and prosecuting suits on delinquent taxes and securing collection thereof, and all laws in conflict herewith are hereby repealed.

"In case the delinquent taxpayer shall pay to the collector the amount of delinquent taxes for which he is liable, together with accrued interest after the filing of suit before judgment is taken against him in the case, then only one-half of the fees taxable in such a case, as provided for herein, shall be charged against him.

"All fees provided for the officers herein shall be treated as fees of office and accounted for as such."

Sec. 2. All laws in conflict herewith are hereby repealed.

Sec. 3. The fact that the former law, particularly in its amended form, has proved to be oppressive in its operation as applied to citizens generally and more especially those of the poorer class, and has led to piling up swollen revenues in the hands of officers in the larger counties, which abuses should not be further continued; and the further fact that Section 1 of Chapter 258, page 428, Acts of the Regular Session of the Forty-second Legislature, conflicts with Chapter 117, page 196, Acts of the Forty-second Legislature, with reference to the time and manner of giving notice to the delinquent taxpayer, which has resulted in much confusion among the several tax collecting agencies of this State, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days shall be suspended, and said rule is hereby suspended, and this act shall take effect and be in force from and after its passage, and it is so enacted.

Mrs. Hughes moved that the report be adopted.

Mr. West of Cameron moved that

the report be not adopted, and that a new committee be appointed to adjust the differences.

Question first recurring on the motion by Mr. West of Cameron, it prevailed.

BILL AND RESOLUTION SIGNED BY THE SPEAKER.

The Speaker signed, in the presence of the House, after giving due notice thereof, and their captions had been read severally, the following enrolled bill and resolution:

H. C. R. No. 26, Congratulating Harry Crozier.

S. B. No. 33, "An Act relating to State warrants and to provide that certain State warrants shall draw interest after they are presented for payment and not paid, and to authorize the State Highway Commission to invest such portions of the State Highway Funds, as from time to time, may not be needed for immediate use, in State warrants drawn against the General Revenue Fund, provided that not more than three million dollars (\$3,000,000) shall be invested at any one time, and declaring an emergency."

MESSAGE FROM THE SENATE.

Senate Chamber,
Austin, Texas, September 25, 1931.
Hon. Fred H. Minor, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed

S. B. No. 43, A bill to be entitled "An Act amending Chapter 286, General Laws, Forty-second Legislature, at page 678, printed laws thereof, by striking therefrom restrictions on State auditor's use of appropriation made for oil and gas royalty audit, and declaring an emergency."

Respectfully,

BOB BARKER,
Secretary of the Senate.

RELATIVE TO HOUSE BILL NO. 88.

Mr. Cox of Limestone moved that House bill No. 88 be referred to the Committee of the Whole House.

Mr. Hardy moved that the bill be referred to the Committee on Municipal and Private Corporations.

The motion of Mr. Hardy prevailed.

IN COMMITTEE OF THE WHOLE HOUSE.

(Mr. Sanders in the chair.)

On motion of Mr. DeWolfe, the House at 5:20 o'clock p. m., resolved itself into a Committee of the Whole House for the purpose of considering House bills Nos. 91, 92, and 93.

IN THE HOUSE.

(Mr. Sanders in the chair.)

At 5:50 o'clock p. m., Mr. Sanders, Chairman of the Committee of the Whole House, reported to the House that the Committee desired to rise, and report progress.

The following proceedings were also reported:

The chair laid House bill No. 91 before the Committee for consideration by the Committee.

On motion of Mr. DeWolfe, House bill No. 91 was reported back to the House with the recommendation that it do pass.

The Chairman laid House bill No. 92 before the Committee for consideration at this time.

On motion of Mr. DeWolfe, the bill was reported back to the House with the recommendation that it do pass.

The Chairman laid House bill No. 93 before the Committee for consideration at this time.

Mr. Savage offered the following amendment to the bill:

Amend House bill No. 93, Section 1, by adding to Subdivision 4 thereof the following:

"Provided where the offense is one which includes a misdemeanor, or where the punishment may be assessed at a fine, imprisonment in jail, or both, no fees shall be paid by the State to any officer mentioned in Subdivisions 1, 2, and 3 hereof, until the case has been finally disposed of."

The amendment was adopted.

Mr. Savage moved the bill be reported back to the House with the recommendation that it do pass.

The motion was lost.

At 5:50 o'clock p. m., Mr. Gilbert moved that the Committee rise, and report progress.

The motion prevailed.

(Signed) **PHIL SANDERS,**
Chairman of the Committee of the Whole House.

CONFERENCE COMMITTEE ON SENATE BILL NO. 13.

The Speaker announced the appointment of the following conference committee on Senate bill No. 13: Messrs. West of Cameron, Savage, Graves, Kennedy, and Farrar.

PROVIDING FOR ADDITIONAL TELEPHONE EXPENSE.

Mr. McDougald offered the following resolution:

Whereas, The resolution at the opening of the Second Called Session of the Forty-second Legislature allowed members \$15 for telephone and telegram expense owing to the fact that it was generally conceded this session would extend for not more than two weeks; be it

Resolved, That the Contingent Expense Committee be and is hereby authorized to approve an additional amount of telephone and telegraph charges of members to the extent of not more than \$15.

The resolution was read second time, and was adopted.

SENATE BILL ON FIRST READING.

The following Senate bill, received from the Senate today, was laid before the House, read first time, and referred to the appropriate committee, as follows:

Senate bill No. 43, to the Committee on Appropriations.

ADJOURNMENT.

On motion of Mr. Gilbert, the House, at 6 o'clock p. m., adjourned until 9 o'clock a. m., tomorrow.

APPENDIX.

STANDING COMMITTEE REPORTS.

The following committees have filed favorable reports on bills as follows:

Conservation and Reclamation: House bill No. 89.

Criminal Jurisprudence: House bill No. 84.

State Affairs: Senate bill No. 23.

Public Health: House bill No. 86.

Education: House bill No. 90.

Judiciary: Senate bill No. 44, House bill No. 87.

Appropriations: House bills Nos. 81 and 83, Senate bill No. 37.

REPORTS OF THE COMMITTEE ON ENGROSSED BILLS.

Committee Room,
Austin, Texas, September 25, 1931.

Hon. Fred H. Minor, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 86, A bill to be entitled 'An Act to amend Article 773, Revised Penal Code, 1925, of the State of Texas, so as to make the provisions of said bill apply to optometrists, and to re-enact Article 774 of the Revised Penal Code of 1925 of the State of Texas, and declaring and emergency,"

Have carefully compared same and find it correctly engrossed.

JUSTISS, Chairman.

Committee Room,
Austin, Texas, September 24, 1931.

Hon. Fred H. Minor, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 69, A bill to be entitled "An Act to amend Article 5139, of the Revised Civil Statutes of 1925 of Texas, providing for a juvenile board in all counties having a population of one hundred thousand or over according to the preceding Federal census, and fixing the salaries of the members of said board, so as to provide that the commissioners court may fix the said salaries up to fifteen hundred dollars per annum,"

Have carefully compared same and find it correctly engrossed.

JUSTISS, Chairman.

Committee Room,
Austin, Texas, September 25, 1931.

Hon. Fred H. Minor, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 80, A bill to be entitled "An Act for the purpose of releasing the interest and penalties on all State, county, special school, school district, road district, levee improvement district, and irrigation district taxes and taxes of other defined subdivisions of the State, other than incorporated

cities and towns, delinquent up to and including October 20, 1931, providing said taxes are paid on or before January 31, 1932; declaring a State policy and the existence of a public calamity; repealing all laws in conflict herewith, and declaring an emergency,"

Have carefully compared same and find it correctly engrossed.

JUSTISS, Chairman.

Committee Room,
Austin, Texas, September 25, 1931.

Hon. Fred H. Minor, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 76, A bill to be entitled "An Act making an appropriation of the sum of fifty thousand dollars (\$50,000) or so much thereof as may be necessary out of the General Revenue to pay the per diem and mileage of members; the per diem of officers and employes; and the contingent expense of the Second Called Session of the Forty-second Legislature of the State of Texas, convened on the 8th day of September, 1931, by proclamation of the Governor; to supplement the like appropriation of the Regular and First Called Sessions of said Legislature; to pay any unpaid vouchers or warrants held by members, officers, or employes of the Regular and First Called Sessions of said Legislature, etc., and declaring an emergency,"

Have carefully compared same and find it correctly engrossed.

JUSTISS, Chairman.

Committee Room,
Austin, Texas, September 25, 1931.

Hon. Fred H. Minor, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 74, A bill to be entitled "An Act making an emergency appropriation out of the funds belonging to the State Highway Department, not otherwise appropriated, for the purpose of paying the expenses necessary to carry out and complete the provisions of House bill No. 688, Acts of the Forty-second Legislature, Regular Session, Chapter 79, page 121, and declaring an emergency,"

Have carefully compared same and find it correctly engrossed.

JUSTISS, Chairman.

Committee Room,
Austin, Texas, September 24, 1931.

Hon. Fred H. Minor, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 64, A bill to be entitled "An Act amending Senate bill No. 246, Chapter 285, by readjusting, reducing, and reapportioning appropriations to pay the salaries of officers and employes of certain eleemosynary institutions of the State and other expense of maintaining and conducting them for the two fiscal years, beginning September 1, 1931, and ending August 31, 1933, as follows, to-wit: etc., and declaring an emergency,"

Have carefully compared same and find it correctly engrossed.

JUSTISS, Chairman.

REPORT OF THE COMMITTEE ON ENROLLED BILLS.

Committee Room,
Austin, Texas, September 25, 1931.

Hon. Fred H. Minor, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 9, "An Act amending Chapter 367, Section 4, of the General Laws of the Regular Session of the Forty-second Legislature of Texas, by changing the time for holding district court in the counties of McCulloch, Brown, and Coleman; and providing for the time of the taking effect of this act,"

Have carefully compared same and find it correctly enrolled.

COX of Lamar, Chairman.

TWELFTH DAY.

(Saturday, September 26, 1931.)

The House met at 9 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Minor.

The roll was called, and developed the fact that there was not a quorum present.

Mr. Young moved a call of the House for the purpose of securing a quorum, and the call was duly ordered.

The Speaker then directed the Door-keeper to close the main entrance to the Hall, and instructed the Sergeant-